

In The  
**Court of Appeals**  
Of Virginia

**BRIAN DAVID HILL,**

*Petitioner,*

v.

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,**

*Respondent.*

**IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A  
WRIT OF ACTUAL INNOCENCE BASED ON  
NONBIOLOGICAL EVIDENCE  
AT COURT OF APPEALS OF VIRGINIA**

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**JOINT APPENDIX  
VOLUME II OF VI  
(Pages 1 – 347)**

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**U.S.W.G.O.**

**Brian David Hill – Ally of Q  
Founder of USWGO Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505**



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**VOLUME II OF VI**

**MARTINSVILLE CIRCUIT**  
**HILL, BRIAN DAVID**

Case No.:CL19000331-00  
**vs. COMMONWEALTH OF VIRGINIA**

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VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Brian David Hill,</b>	)	
	)	
<b>Petitioner,</b>	)	<b>Case No. <u>CL19000331-00</u></b>
	)	<b>(Court will supply No.)</b>
<b>v.</b>	)	
	)	
<b>Commonwealth of Virginia,</b>	)	
<b>Attorney General of Virginia,</b>	)	
	)	
<b>Respondent,</b>	)	

**PETITION FOR WRIT OF HABEAS CORPUS**

Criminal Defendant and Petitioner Brian David Hill (General District Court of Martinsville case no. C18-3138, Martinsville Circuit Court case law no. CR19000009-00), hereby files a Petition for the Writ of Habeas Corpus requesting relief of vacating the wrongful conviction of Brian David Hill based upon the finding of guilty on December 21, 2018, and based upon the guilty plea under withdrawing the appeal on November 15, 2019.

**Instructions-Read Carefully**

In order for this petition to receive consideration by the Court, it must be legibly handwritten or type-written, signed by the petitioner and verified (notarized). It must set forth in concise form the answers to each applicable question. If necessary, petitioner may finish his answer to a particular question on an additional page. Petitioner must make it clear to which question any such continued answer refers.

Since every petition for habeas corpus must be sworn under oath, any false statement of a material fact therein may serve as a basis of prosecution and conviction for perjury under §18.1-273. Petitioners should, therefore, exercise care to assure that all answers are true and correct.

When the petition is completed, the original and two copies (total of three) should be mailed to the Clerk of the Court. The petitioner shall also keep one copy.

**Place of Detention:** Petitioner was convicted, is on strict bond conditions imposed by Federal Court as a cause of the state charge, but is not detained. However the conviction in the General District Court affects Brian's Federal Supervised Release and can cause him to be detained in a Federal Prison if he is not found legally innocent of the state charge. Petitioner is on Federal Supervised Release and is risking Federal Imprisonment if Petitioner is not found legally innocent of his state charge. So technically Petitioner is not free to come and go as he pleases and is under strict conditions, and is under the custody of the United States until the sentence of Supervised Release is finished. Additional restrictions were imposed including mandatory ankle monitor device because of the very state charge that Petitioner is challenging.

Petitioner is under more strict federal custody as a result of the state charge on September 21, 2018 and the conviction that was rendered on December 21, 2018 in General District Court. There is an ongoing appeal in the United States Court of Appeals for the Fourth Circuit in Richmond, Virginia, but the state charge plays a role as to whether Brian David Hill will face federal prison time and as to whether Brian will be off of Federal bond conditions as a result of the state charge which triggered a federal Supervised Release Violation.

#### **A. Criminal Trial**

**1. Name and location of the court which imposed the sentence(s) from which you seek relief:**



Martinsville General District Court and Martinsville Circuit Court  
55 West Church Street, Martinsville, Virginia 24112

**2. The offense or offenses for which the sentence was imposed. (include indictment number(s) if known):**

a. § 18.2-387. Indecent exposure. – September 21, 2018

**3. The date upon which sentence was imposed and the terms of the sentence:**

a. 30 days, sentence originally imposed by General District Court on December 21, 2018, but was challenged on Appeal. Appeal was withdrawn on November 15, 2019, and a guilty plea was entered as a result. The sentence was re-imposed as 30 days on November 15, 2019, but Brian was processed and released from Jail that same day because he already had served his sentence, which is technically a sentence of time served.

**4. Check which plea you made and whether the trial was by jury or judge:**

Plea of guilty X Plea of not guilty X ; Trial by jury \_\_\_\_\_ Trial by judge X

Petitioner had automatically pled not guilty by default but was found guilty by the judge in the Martinsville General District Court on December 21, 2018. Petitioner filed an appeal and was appealed to the Circuit Court. Petitioner then filed a motion to withdraw appeal because the Petitioner had stated on record in Seq. #40 filing that he believed he was not going to receive a fair and impartial trial, and that the jury would have been prejudiced because of a federal conviction in the Middle District of North Carolina even though it had been challenged on Writ of Habeas Corpus since November 2017.

**5. The name and address of each attorney, if any, who represented you at your criminal trial:**

Scott Albrecht - 2529 Livingston Rd., Roanoke, VA 24015, formerly Martinsville Public Defender Office

Lauren McGarry - Martinsville Public Defender Office - 10 E Main St, Martinsville, VA 24112

Matthew S. T. Clark - 711B Starling Ave, Martinsville, VA 24112-4223

**6. Did you appeal the conviction?** Yes, to the Circuit Court, but then Petitioner had withdrawn his appeal on November 15, 2019 (*Disposition Date: 11/15/2019, Disposition: APPEAL WITHDRAWN*), because Petitioner believes that he wasn't going to receive a fair trial because of the prejudice from his wrongful federal conviction in 2014. His attorneys were ineffective.

**7. If you answered "yes" to 6, state:**

**The result and the date in your appeal or petition for certiorari:**

General District Court Appeal Date: 12/26/2018

Appeal withdrawn on 11/15/2019 because Petitioner believes he is legally innocent and that there may be enough evidence to prove that Petitioner wasn't obscene when obscenity is required to convict Petitioner, but the jury would have been prejudiced because it was a Bible belt area, jurors would automatically feel that Petitioner is some kind of pervert or weirdo upon the Commonwealth Attorney asking Petitioner what he was convicted for in Federal Court and Petitioner was told by a private lawyer in free consultation that he would not be allowed to tell the jury that he is challenging his conviction on actual innocence and fraud upon the court by the U.S. Attorney, and that all the jury would hear is his conviction on

“possession of child pornography” and they would immediately think Brian was perverted and obscene based upon a 2014 wrongful conviction that is currently still being challenged on Writ of Habeas Corpus. His mom and grandparents were there during the free consultation with this private attorney. They would think he was perverted and obscene based upon an old conviction that is being challenged which contaminates the facts and testimony of what had happened on September 20-21, 2018, for Brian to be charged with indecent exposure. The federal case presents no facts that would be necessary to determine if Brian is guilty of indecent exposure on September 21, 2018, but would automatically prejudice the jury with extreme prejudice, possibly in violation of Rule 2:403 of the Virginia Rules of Evidence Part Two, Rules of the Supreme Court of Virginia, ARTICLE IV. RELEVANCY, POLICY, AND CHARACTER TRAIT PROOF:

*EXCLUSION OF RELEVANT EVIDENCE ON GROUNDS OF PREJUDICE, CONFUSION, MISLEADING THE JURY, OR NEEDLESS PRESENTATION OF CUMULATIVE EVIDENCE*

*Relevant evidence may be excluded if:*

*(a) the probative value of the evidence is substantially outweighed by (i) the danger of unfair prejudice, or (ii) its likelihood of confusing or misleading the trier of fact; or*

*(b) the evidence is needlessly cumulative.*

It would mislead the jury into believing that Brian had obscene or had perverted intentions based upon a 2014 conviction in federal court that is being collaterally challenged under Writ of Habeas Corpus (2255 Motion) and fraud upon the court against Brian David Hill. It would contaminate the trier of fact into not accepting

any facts of no obscenity in the state case and as to what had happened on September 21, 2018 which caused the indecent exposure charge.

The citations of the appellate court opinions or orders:

The cases that Petitioner had tried to file with the Court on a pro se motion to dismiss were based on the persuasive case law authorities which are cited herein:

1. Kenneth Wayne Romick v. Commonwealth of Virginia, Record No. 1580-12-4, Argued at Alexandria, Virginia
2. A. M. Commonwealth of Virginia, Record No. 1150-12-4, Argued at Alexandria, Virginia
3. Kenneth Samuel MOSES v. COMMONWEALTH of Virginia, Record No. 0985-03-3, Court of Appeals of Virginia, Richmond.
4. Kimberly F. Neice v. Commonwealth of Virginia, 1477093 (Va. Ct. App. 2010), Record No. 1477-09-3, CIRCUIT COURT OF GILES COUNTY.
5. Price v. Commonwealth, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974)
6. Hart v. Commonwealth, 18 Va. App. 77, 79, 441 S.E.2d 706, 707 (1994)

Analysis:

From A. M. Commonwealth of Virginia:

*“Code § 18.2-387, the statute under which appellant was convicted, states:”*

*“Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor. No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present.”*

*“(Emphasis added).”*

*“While “private parts” can include the buttocks, Hart v. Commonwealth, 18 Va. App. 77, 79, 441 S.E.2d 706, 707 (1994), Code § 18.2-387 does not criminalize mere exposure of a naked body, see Price v. Commonwealth, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974) (“A portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene.”). Instead, a conviction under Code § 18.2-387 requires proof beyond a reasonable doubt of obscenity.”*

*“Code § 18.2-372 defines the word “obscene” accordingly:”*

*“The word “obscene” where it appears in this article shall mean that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex, that is, a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value.”*

*“(Emphasis added).”*

*“The “obscenity” element of Code § 18.2-387 may be satisfied when: (1) the accused admits to possessing such intent, Moses v. Commonwealth, 45 Va. App. 357, 359-60, 611 S.E.2d 607, 608 (2005) (en banc); (2) the defendant is visibly aroused, Morales v. Commonwealth, 31 Va. App. 541, 543, 525 S.E.2d 23, 24 (2000); (3) the defendant engages in masturbatory behavior, Copeland v. Commonwealth, 31 Va. App. 512, 515, 525 S.E.2d 9, 10-11 (2000); or (4) in other circumstances when the totality of the circumstances supports an inference that the accused had as his dominant purpose a prurient interest in sex.”*

From Kenneth Wayne Romick v. Commonwealth of Virginia:

*“Kenneth Wayne Romick was convicted of indecent exposure, third offense, in violation of Code §§ 18.2-387 and 18.2-67.5:1, and he argues the evidence was insufficient to prove that he intentionally made a display of his private parts and that such display was obscene. We agree that such display was not obscene and reverse and dismiss the indictment.”*

*“The mere exposure of a naked body is not obscene. See *Price v. Commonwealth*, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974) (finding that “[a] portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene”).”*

**8. List the name and address of each attorney, if any, who represented you on your appeal:**

Appeal was from General District Court, but no appeal was taken thereafter because a withdrawal of appeal was entered on November 15, 2019.

The attorneys that were involved in that Circuit Court case of trial de novo were:

Scott Albrecht - 2529 Livingston Rd., Roanoke, VA 24015, formerly Martinsville Public Defender Office

Lauren McGarry - Martinsville Public Defender Office - 10 E Main St, Martinsville, VA 24112

Matthew S. T. Clark - 711B Starling Ave, Martinsville, VA 24112-4223

## **B. Habeas Corpus**

**9. Before this petition, did you file with respect to this conviction any other petition for habeas corpus in either a State or federal court? No**

This is the first Petition for Writ of Habeas Corpus concerning this charge and conviction in General District Court as well as the conviction in Circuit Court due to withdrawing appeal.

**10. If you answered “yes” to 9, list with respect to each petition:**

**The name and location of the court in which each was filed:**

N/A

**The disposition and the date:**

N/A

**The name and address of each attorney, if any, who represented you on your habeas corpus:**

N/A

**11. Did you appeal from the disposition of your petition for habeas corpus?**

N/A

**12. If you answered “yes” to 11, state:**

**The result and date of each petition:**

N/A

**The citations of court opinions or orders on your habeas corpus petition:**

N/A

**The name and address of each attorney, if any, who represented you on appeal of your habeas corpus:**

N/A

**13. List all other petitions, motion or applications filed with any court following a final order of conviction and NOT set out in sections A or B. Include the nature of the motion, the name and location of the court, the result, the date, and citations to opinions or orders. Give the name and address of each attorney, if any, who represented you:**

a. N\A since no motion was filed after withdrawing of appeal on November 15, 2019.

b. N\A

c. N\A

d. N\A

e. N\A

#### **D. Present Petition**

14. State the grounds which make your detention unlawful, including the fact upon which you intend to rely:

##### **GROUND ONE: Legal Innocence – Actual Innocence**

Will be explained in BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS.

##### **GROUND TWO: Due Process Deprivation, violation of Fourteenth Amendment**

Will be explained in BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS.

##### **GROUND THREE: Ineffective Assistance of Counsel, Violation of Fifth Amendment**



Will be explained in BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS.

**Ineffective Assistance of counsel claim is raised** as that claim along with actual innocence can withdraw a guilty plea since it is wrong to convict a person who was actually innocent. Ineffective counsel was because Scott Albrecht did a lot of things wrong, and the other court appointed lawyers didn't do things that they could have done to get Petitioner an outcome of not-guilty. Scott Albrecht kept telling Brian David Hill and members of his family that Brian was innocent of indecent exposure because he wasn't being obscene but filed no motion for dismissal due to lack of evidence of obscenity or even that Brian is legally innocent because Brian wasn't being obscene at all with multiple affidavits in federal court record stating that Brian never masturbated when he was naked. He never masturbated when a vehicle went by while Brian was at the Dick and Willie hiking trail area at night and the road where the vehicle saw him was on Hooker Street (*that is the name of the street but Brian didn't know that street name until 2019, likely named after Hooker Furniture company*). More will be explained in BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS.

**GROUND FOUR: Prosecutorial Misconduct by violating State Bar Rule 3.8** by not recognizing that Brian David Hill was not obscene and had no prurient interest in sex, never masturbated when naked, and that the Commonwealth Attorney of Martinsville had intended on requesting a jury trial knowing that Brian's [wrongful] federal conviction in the Middle District of North Carolina would contaminate and prejudice any Christian Bible belt juror to automatically believe that Brian was perverted and had perverted intention and would not recognize any evidence in relevance as to what had happened on September 20-21,

2018, as to Brian not being obscene and that simply being naked is not being obscene as a matter of law. The jury would not have recognized Brian's legal innocence and jury instructions would not matter either because their minds will already be made up with hearing the words from the Commonwealth Attorney if they ask the question: "Brian, what were you convicted for in Federal Court?" and Brian would have to answer for "possession of child pornography in 2014", and then if Brian even attempts to explain that he is challenging it on actual innocence, the Prosecutor would likely block his testimony and even if Brian would be allowed to explain about why he falsely plead guilty, the Jury would already have their minds made up and they would only view Brian in a perverted light.

More will be explained in BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS.

**GROUND FIVE: Guilty Plea invalid caused by ineffective counsel**

The guilty plea entered as caused by Petitioner withdrawing appeal, was caused by ineffective assistance of counsel and Brian is legally innocent. A guilty plea isn't valid when the constitutional errors likely caused the conviction of an innocent man or woman.

More will be explained in BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS.

**15. List the grounds set forth in 14, which has been presented in any other proceeding:**

Only in filings did Petitioner's legal innocence and other issues were brought in pro se filings. However these issues were not brought up by counsel orally or in writing in any proceedings except in Martinsville General District Court on December 21, 2018, Attorney Scott Albrecht brought up that I wasn't being

obscene but the Commonwealth Attorney had argued that I wasn't charged with obscenity. Scott Albrecht never showed any case law to back up his arguments, so he lost. Scott Albrecht was ineffective.

**List the proceedings in which each ground was raised:**

None were brought up at any hearings except December 21, 2018, where Attorney Scott Albrecht brought up that I wasn't being obscene but the Commonwealth Attorney had argued that I wasn't charged with obscenity. Scott Albrecht never showed any case law to back up his arguments, so he lost.

**16. If any ground set forth in 14 has not been presented to a court, list each ground and the reason why it was not:**

**a. GROUND ONE: Legal Innocence**

Legal Innocence was brought up in pro se pleadings and was brought up at the hearing dated December 21, 2018, but attorney Scott Albrecht was so ineffective that he didn't present any case law showing that obscenity is required in order to convict me on indecent exposure. The case laws were all researched by me when I was at the law library system at the Western Virginia Regional Jail in December, 2018. My friend Eric found the other case law. My family researched the case law pdf files, and I cited them in pleadings. However all pro se pleadings were ignored because Petitioner was represented by counsel who was ineffective.

**b. GROUND TWO: Due Process Deprivation**

Because I was represented by counsel that was ineffective, any grounds I would raise pro se would be ignored.

**c. GROUND THREE: Ineffective Assistance of Counsel**

Because I was represented by counsel that was ineffective, any grounds I would raise would be ignored.

**d. GROUND FOUR: Prosecutorial Misconduct by violating State Bar Rule 3.8**

Because I was represented by counsel that was ineffective, any grounds I would raise would be ignored.

**f. GROUND FIVE: Guilty Plea invalid caused by ineffective counsel**

There was no guilty plea in General District Court but only a finding of guilty by bench trial. Because Brian had withdrawn his appeal on November 15, 2019, it was automatically entered as a guilty plea. So Brian could not have raised this ground prior to withdrawing his appeal in the Martinsville Circuit Court.

**PRAYER FOR RELIEF**

Therefore, Petitioner Brian David Hill (“Petitioner”) (movant) asks that the Court grant the following relief:

1. That the conviction entered on November 15, 2019 in the Martinsville Circuit Court and conviction entered in Martinsville General District Court entered on December 21, 2018, be vacated.
2. That the indictment entered on September 21, 2018, also be vacated or dismissed since Petitioner has shown factual innocence.
3. That Petitioner be granted a Writ of Actual Innocence or a certificate of Innocence certifying that petitioner is innocent of his charge of indecent exposure on September 21, 2018, and allow Petitioner to expunge his criminal record pursuant to V.A. Code § 19.2-392.2.
4. That Petitioner be waived from any and all legal fees that was caused by Petitioner withdrawing his appeal in Circuit Court, since Actual Innocence is

the ultimate and permanent acquittal of a criminal charge. That Petitioner not be compelled to pay for any prosecution and court appointed lawyer's fees.

5. That the Court grant any other possible relief.

Respectfully submitted,

Brian D. Hill  
Signed

Signed

Petitioner

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

I stand with QANON – Drain the Swamp

I ask Qanon for Assistance (S.O.S.)

JusticeForUSWGO.wordpress.com

Amazon: The Frame Up of Journalist Brian D. Hill

### AFFIDAVIT OF PETITIONER

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF MARTINSVILLE / Henry

The above named petitioner being first duly sworn, says:

- a. He signed the foregoing petition; and
- b. The facts stated in this petition are true to the best of his information and belief; and

c. The facts stated in the Brief and Exhibits in support of Petition for Writ of Habeas Corpus are true to the best of his knowledge and belief.

Brian D. Hill  
Signed

Signature of Petitioner

This day the above signed person did appear before me and subscribed and sworn to before me this 18 day of November, 2019

Mitzye C Thompson

Notary Public

MITZIE C THOMPSON  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES APR. 30, 2021  
COMMISSION # 353833

My Commission Expires: April 30 2021

My Notary Number: 353833

The petition will not be filed without payment of court costs unless the petitioner is entitled to proceed *in forma pauperis* and has executed the attached.

Brian D. Hill (Pro Se)  
Petitioner

310 Forest Street, Apartment 1  
Martinsville, Virginia 24112  
Phone #: (276) 790-3505



Friend's site: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

## **BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

Brian D. Hill (“Brian”, “Hill, “Petitioner”) files this brief and exhibits in support of his Petition for Writ of Habeas Corpus. This shall serve as brief / memorandum of law in support of Petitioner’s Writ of Habeas Corpus.

### **BACKGROUND**

Brian David Hill was found naked on the Dick and Willie passage walking trail at around approximately between the time period of 3:00AM and 4:00AM, on September 21, 2018. The officer Robert Jones, Sergeant of Martinsville Police Department, received a 911 call from a passerby vehicle on “Hooker Street” that goes along the hiking trail at that area. Officer Jones had arrested Brian David Hill for being naked, and he was charged with indecent exposure.

According to the information sourced from federal court record and from Petitioner’s own knowledge of what had happened he gives this background information on what had happened.

He was set for trial in the Martinsville General District Court on December 21, 2018. His only source of spendable income was his Supplemental Security Disability Income (“SSI”) and so Brian was appointed a lawyer from the Martinsville Public Defender Office. His name was Scott Albrecht. Despite his failures and ineffectiveness as counsel, he did tell Petitioner that he was innocent of indecent exposure because Brian did not engage in obscenity behavior.

Around late night September 20, 2018, Brian David Hill had left the house with his clothes on, and was threatened by a man wearing a hoodie (*a dark hoodie, a black*

*hoodie, Brian has Autism so his statements can sound confusing*). Sounded like a white guy, may have been 160 pounds because he was more lightweight. Police misidentified him as a “black man in a hoodie”. Brian never told the police that he was black. He was directed to take his clothes off, walk on the Dick and Willie passage hiking trail and take pictures of himself and then place the camera or SD card at the bench after Southern Finishing factory, which that factory can be seen from Hooker Street where 911 was called. Brian never physically was naked around somebody else physically enough to freak somebody out saying “oh my god” (for example) before 911 was called and when 911 was called. Whoever had called 911 may have thought that the nude male was a mentally ill person or somebody with dementia or somebody in danger. Brian informed Officer Jones after he was handcuffed about a man wearing a hoodie and told him about what had happened. Because of Brian’s Autism, Brian made confusing statements and didn’t exhibit the proper social cues which caused the Officer to not believe Brian’s story. Brian was then charged with indecent exposure and booked into Martinsville City Jail.

Whether the man wearing the hoodie was real or some hallucination or a prank by somebody who took advantage of Brian’s Autism, Brian truly and deeply believed that his mother would be murdered, shot full of holes, if Brian didn’t do what the “man in the hoodie” had instructed him to do. Which then slides into Brian being repetitive in the taking of a lot of photos of himself in the nude and showing incorrect/inappropriate facial expressions which is also caused by his Autism. Brian took the photos around one area of Martinsville where the Greene Co. Inc. building was and where the Dick and Willie hiking trail was. 911 was not called around there and neither was Hooker Street located around that area. The photos were taken in a completely different spot. Brian voluntarily gave permission for



law enforcement to view the photos hoping they would locate the guy wearing the hoodie, not knowing that it would be used against him and would embarrass him.

Brian did a lot of unusual and weird behavior on September 21, 2018.

Hearing Information ^							
Date	Time	Result	Type	Courtroom	Plea	Duration	Jury
12/02/2019	09:00 AM	WITHDRAWN	JURY TRIAL				NO
11/15/2019	09:00 AM	APPEAL WITHDRAWN	PLEA		GUILTY		
11/04/2019	09:00 AM		TERM				
08/30/2019	09:00 AM	WITHDRAWN	JURY TRIAL				NO
08/27/2019	09:00 AM	SET FOR TRIAL	TO BE SET				
07/15/2019	09:00 AM	SET FOR TRIAL	ARRAIGNMENT		NOT GUILTY		
06/04/2019	02:30 PM	GRANTED	BOND				
04/23/2019	09:00 AM	CONTINUED MOTION OF DEFENSE	REVIEW				
01/28/2019	09:00 AM	CONTINUED MOTION OF DEFENSE	TERM				

Document list table below:

Pleadings/Orders							
Seq. #	Date	Type	Party	Judge	Book & Page	Instrument	Remarks
40	11/12/2019	MOTION	ERH				FAX TO WITHDRAW APPEAL
39	11/04/2019	MOTION	ERH				FAX MOT TO DISMISS
38	09/11/2019	BOND ORDER	BEW	GCG			AMENDED BOND ORDER
37	08/27/2019	NOTICE	BEW				APPEAR 12-2-19 @ 9AM
36	08/27/2019	CONTINUANCE ORDER	BEW	GCG			SET 12-2-19 @ 9AM
35	08/29/2019	CLERK'S WORKSHEET	JCC				COMMONWEALTH WITNESS LIST
34	08/21/2019	NOTICE	JCC				APPEAR 08/27/19@9AM
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19	07/15/2019	SCHEDULING ORDER	JCC				CA OF REQ JURY-SET 8/31@9A
18	06/04/2019	OTHER	JCC				CONT CUST-07/15/19@9AM
17	06/04/2019	ORDER	JCC	GCG			AGREED ORDER FOR BOND
16	06/04/2019	CLERK'S WORKSHEET	JCC				MOT FOR BOND
15	05/30/2019	CLERK'S WORKSHEET	JCC				HILL TURNED HIMSELF IN
14	05/30/2019	CLERK'S WORKSHEET	JCC				EMAIL TO A.HALL-TRIAL DAT
13	02/01/2019	CLERK'S WORKSHEET	JCC				EMAIL FROM CWS-CAPIAS
12	01/30/2019	CLERK'S WORKSHEET	JCC				EMAIL TO CWA ABOUT CAPIAS
11	06/04/2019	OTHER	JCC				RELEASE ORDER
10	06/04/2019	BOND	JCC				
9	05/31/2019	MOTION	BEW				MOTION FOR BOND
8	05/29/2019	MOTION	BEW				EARLIER TRIAL DATE
7	04/08/2019	MOTION	ARP				FILE EVIDENCE BEFORE TRIAL
6	02/06/2019	ORDER	JCC	GCG			DISCOVERY
5	02/06/2019	RESPONSE	JCC				MOT FOR RECIPROCAL DISCOVER
4	01/23/2019	MOTION	JPN				TO ADMIT EVIDENCE
3	01/09/2019	EVALUATION REPORT	TTM				PSYCHOLOGICAL EVAL-GDC
2	01/09/2019	CCRE (NUMBER ONLY)	TTM				
1	01/09/2019	GD PAPERWORK	TTM				

There was testimony of Sergeant Officer Robert Jones from federal court Transcript concerning this case.

See Doc. #215, case no. 1:13-cr-435, M.D.N.C, Transcript: *“Radio traffic came across as a male subject with no clothes on running down the side of the street at Hooker Street near the Henry County Public Safety building.”*

That area of the side of the street is also met with part of the Dick and Willie passage hiking trail.

See Document #215 in federal case no. 1:13-cr-435-1, Middle District of North Carolina, United States District Court. If the Court isn't able to access that record directly through PACER.GOV or CM/ECF, Petitioner would be able to supply a true and correct copy of that transcript record upon request to expand the record in this case. However there were omissions from that transcript and an order has been filed by the U.S. District Court to correct the omissions from the record as to the answer by Officer Robert Jones under oath saying that Brian David Hill had not been obscene to his knowledge.

See Doc. #218, case no. 1:13-cr-435, M.D.N.C, ORDER: *“(re: 216 MOTION) signed by CHIEF JUDGE THOMAS D. SCHROEDER on 11/15/2019. Within seven (7) days the court reporter shall review her stenographic and other materials from the September 12, 2019 hearing and determine if the allegedly omitted statements were made and if the transcript accurately reflects the proceedings before the court. FURTHER that within seven (7) days the court reporter shall either file a corrected transcript or file a memorandum reporting that the certified transcript (Doc. 215 ) accurately reflects the proceedings. Any further request for relief in the pending motion will await the court's review of the determination from the court reporter as to BRIAN DAVID HILL. (Daniel, J)*

*Modified on 11/15/2019 to add text of last paragraph in 218 Order. (Daniel, J). (Entered: 11/15/2019)".*

If the omissions from the official court transcript are corrected or if the Appeals court supplements the four affidavits as part of the record of what had happened orally at the court hearing dated September 12, 2019, then it is considered fact that Sergeant Officer Robert Jones admitted under oath as to Brian David Hill not being obscene or that he didn't think Brian was being obscene. Further questions need to be asked as to what he had meant in regards to that statement.

If Officer Jones admits in his expert opinion as a law enforcement officer that Brian wasn't aroused in his interaction with Brian, that the 911 caller never saw any masturbatory behavior, and with his opinion regarding Brian naked in the photographs, and that Brian didn't engage in masturbatory behavior, then it proves the following.

Also the officer saw flashlights in two of his hands so there was no way possible for any masturbatory behavior, according to his testimony in the Transcript.

See Doc. #215, case no. 1:13-cr-435, M.D.N.C, Transcript:

"Q Did you see him holding anything?"

"A He did. He had a yellow flashlight in his hand and then also another black object, which was later found to be another flashlight in his other hand."

That it proves for a fact that Brian David Hill was not taking a prurient interest in sex on September 21, 2018, that Brian never engaged in any masturbatory behavior on September 21, 2018, that Brian did not physically approach anyone of the public while he was naked, that Brian's autistic behaviors explain the weird abnormal but non-sexual behavior and the photographs on September 21, 2018, that Brian was just naked in the photographs, that Brian was not aroused on

September 21, 2018, and that the photos were taken hours before Brian was ever seen by a passing vehicle around Hooker Street (the photos may be considered private and not for public disclosure as the person who had called 911 had called miles away from Greene Co. Inc., the location and area where the photos were actually taken. When the photos themselves were taken, nobody of the public knew they were being taken, it was at nighttime where it would be more difficult for anybody to have even been able to witness Brian, that the camera was in the backpack, and the person who had called 911 did not know that photos were ever taken of Brian. It is not against the law to take nude photos of adults and nudists. The photos themselves did not cause anyone to be contacting 911, so the photos may not even be relevant as to whether Brian was being obscene when somebody had called 911 on him from a passing vehicle between 3:00AM to 4:00AM and likely called with a Cellular phone (a cell phone) in the vehicle. Brian did not engage in any predatory behavior and not in any sexual behavior towards anybody. He was just naked. Brian didn't make any sexual gestures or comments towards anybody. The facts are simple, Brian David Hill was not sexual and had no prurient interest in sex. Brian was naked after a man directed Brian to take his clothes off and walk on a hiking trail and take photos of himself or his mother would be killed. Whether there was a guy wearing or hoodie or maybe Brian hallucinated this guy or maybe he had fell asleep and dreamed of a man wearing a hoodie threatening Brian and then Brian took it as a real event. Whatever the case may be, there is absolutely NO evidence at all that Brian David Hill engaged in masturbatory behavior in public and that Brian had no sexual intent at all. Brian said under affidavit in his federal case that he never masturbated, in relevance to what had happened on September 20-21, 2018. Even if Brian had exhibited psychosis (See Exhibit 7) in regards to his report of the man wearing the hoodie, it doesn't mean that Brian didn't felt threatened. If Brian felt threatened enough by

something or someone or a hallucination to get naked on a hiking trail at night where wild animals can approach him and hurt him or eat him, where Brian had no access to his insulin or even glucose tablets and no glucose monitor, where Brian didn't even have access to his prescribed medicines when it wasn't even in his backpack, then Brian had absolutely no intent and plan to have ever been indecently exposed, and absolutely no plan and no intent to be obscene and was not being obscene. Brian's confusing statements to law enforcement should have clued them in that something wasn't right with Brian mentally. Those law enforcement statements should have been disclosed to the medical staff at Sovah Hospital in Martinsville, Virginia. Brian should have been involuntarily committed and maybe then could they have tested for drugs and found evidence of carbon monoxide gas poisoning and they could have conducted any further tests and Brian never would have been charged with indecent exposure. His home would have been fixed after careful inspection by the Henry County Fire Marshals investigators, and Brian would have been released from the Hospital, possibly on any kind of medications, and Brian never would have been charged or even let alone face a wrongful conviction of indecent exposure. It was a dereliction of duty by Martinsville Police to not have disclosed to mental health staff at the Hospital that Brian's statements didn't make any sense, and Brian would not have been discharged from the Hospital into police custody.

Legal innocence is actual innocence. This never should have gone as far as a jury trial, it never should have even been forced to have a trial de novo in Circuit Court knowing that the Commonwealth Attorney can use Petitioner's wrongful conviction in federal court.

The highest Court of this country, the United States Supreme Court had ruled and upheld that actual innocence is a ground for Habeas Corpus and that is an exception to any procedural default.

*“See BOUSLEY v. UNITED STATES, 523 U.S. 614 (1998). Petitioner's claim may still be reviewed in this collateral proceeding if he can establish that the constitutional error in his plea colloquy "has probably resulted in the conviction of one who is actually innocent." Murray v. Carrier, supra, at 496. To establish actual innocence, petitioner must demonstrate that, "in light of all the evidence," "it is more likely than not that no reasonable juror would have convicted him." Schlup v. Delo, 513 U.S. 298, 327-328 (1995) (quoting Friendly, Is Innocence Irrelevant? Collateral Attack on Criminal Judgments, 38 U. Chi. L. Rev. 142, 160 (1970)). The District Court failed to address petitioner's actual innocence, perhaps because petitioner failed to raise it initially in his § 2255 motion. However, the Government does not contend that petitioner waived this claim by failing to raise it below. Accordingly, we believe it appropriate to remand this case to permit petitioner to attempt to make a showing of actual innocence. It is important to note in this regard that "actual innocence" means factual innocence, not mere legal insufficiency. \*624 See Sawyer v. Whitley, 505 U.S. 333, 339 (1992). In other words, the Government is not limited to the existing record to rebut any showing that petitioner might make. Rather, on remand, the Government should be permitted to present any admissible evidence of petitioner's guilt even if that evidence was not presented during petitioner's plea colloquy and would not normally have been offered before our decision in Bailey.[3] In cases where the Government has forgone more serious charges in the course of plea bargaining, petitioner's showing of actual innocence must also extend to those charges.”*

*“With few exceptions, a prisoner may not raise a claim as part of a collateral attack if that claim could have been raised on direct appeal, unless he can demonstrate either: (1) “cause” for his failure to do so and “prejudice” as a result of the alleged violation, or (2) “actual innocence” of the crime of which he was convicted. Bousley v. United States, 523 U.S. 614, 622-23 (1998).”*

*“However, “[w]here a petitioner raises claims of ineffective assistance of counsel in a § 2255 motion, he need not show ‘cause and prejudice’ for not having raised such claims on direct appeal, as these claims may properly be raised for the first time in a § 2255 motion.” United States v. Cook, 130 F. Supp. 2d 43, 45 (D.D.C. 2000) (citation omitted), aff’d, 22 F. App’x 3 (D.C. Cir. 2001).”*

A § 2255 motion is a statutory remedy based on the United States Constitution’s “Writ of Habeas Corpus” clause.

**“The Suspension Clause of the U.S. Constitution (Article I, Section 9, Clause 2), states: “The Privileges of the Writ of Habeas Corpus shall not be suspended unless when in Cases of Rebellion or Invasion the public Safety may require it.””**

The United States Constitutional rights also apply in state courts as well due to the Fourteenth Amendment.

*“The Fifth Amendment says to the federal government that no one shall be “deprived of life, liberty or property without due process of law.” The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states.”*

*“Fourteenth Amendment, U.S. Constitution, Section 1. “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the*



It is a cruel and unusual punishment to inflict any penalties against an innocent man or woman.

The penalties that were imposed against Brian David Hill as a result of a conviction of indecent exposure is as follows:

1. Brian David Hill was given 30 days imprisonment. However Petitioner had served 91 days from September 21, 2018 until December 22, 2018. Then Brian was thrown back in jail between May 30, 2019 and June 4, 2019 which is six days. Total of 97 days of imprisonment as a result of this charge.
2. Brian David Hill was revoked of Supervised Release in Federal Court as a result of being charged and was later wrongfully convicted in Martinsville General District Court on December 21, 2018 (See Exhibit 1). Brian faces up to 9 months of federal imprisonment over this Supervised Release Violation if he is not found to be legally innocent of indecent exposure.
3. Brian David Hill is being billed over 1,000 dollars (See Exhibit 2) which Brian is required to pay despite the fact that Brian's federal Social Security Disability (SSI) benefits is his only source of spendable income and already \$500 a month is paying to rent. His SSI money cannot be taken by state governments and cannot be garnished. Citing 31 U.S.C. § 3716(c)(3)(A)(i) which only allows the feds to garnish social security. Any other creditor is estopped by 42 U.S.C. § 407(a). The Supremacy Clause operates differently from the due process clause, applying only when comparing federal law to state law. In the exempt fund garnishment context, the most common Supremacy Clause argument assesses the relationship between 42 U.S.C. § 407, which "imposes a broad bar against the use of any legal process to reach all social security benefits," and state garnishment laws conflicting therewith. Supreme Court precedent clearly and unequivocally rejects state law that allows permanent deprivation of

benefits in contravention of 42 U.S.C. § 407. See *Philpott v. Essex County Welfare Bd.*, 409 U.S. 413, 417 (1973). See, e.g., *Harris v. Bailey*, 574 F. Supp. 966, 971–72 (W.D. Va. 1983) (assessing the Virginia statutory scheme in light of 42 U.S.C. § 407 and finding a Supremacy Clause violation). The Commonwealth of Virginia may arrest and capias Brian David Hill if he doesn't have his limited income of \$771 a month of SSI disability money be garnished to pay the legal fees of ineffective counsel and a corrupt Commonwealth Attorney.

*“that the imprisonment of a factually innocent person is cruel and unusual punishment under the Eighth Amendment to the United States Constitution, which forbids, in part, “cruel and unusual punishment.””*

The Eighth Amendment provides that, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” U.S. CONST. amend. VIII. The Eighth Amendment applies to the states through the Due Process Clause of the Fourteenth Amendment. See *Robinson v. California*, 370 U.S. 660, 675 (1962) (Douglas, J., concurring). Defendants seeking habeas corpus relief for free-standing claims of actual innocence have consistently relied on the Eighth Amendment. See, e.g., *Herrera*, 506 U.S. 390; *In re Davis*, No. CV409-130, 2010 WL 3385081, at \*39–43 (S.D. Ga. Aug. 24, 2010). The Eighth Amendment’s prohibition of “cruel and unusual punishment” is intended to protect the “dignity of man,” recognizing that “the State has the power to punish, [but] . . . that this power [must] be exercised within the limits of civilized standards.” *Trop v. Dulles*, 356 U.S. 86, 99–100 (1958). Rather than remaining the same from its enactment, the scope of the Eighth Amendment “must draw its meaning from the evolving standards of decency that mark the progress of a maturing society.” *Id.*; see

also In re Davis, 2010 WL 3385081, at \*39–43. Scholars that argue that the Eighth Amendment should serve as the underlying constitutional basis for freestanding claims of actual innocence contend that it is unconstitutional to execute a prisoner who is actually innocent. See, e.g., Richard A. Rosen, Innocence and Death, 82 N.C. L. REV. 61, 108 (2003). In essence, a challenge based on the Eighth Amendment “calls into question the permissibility of capital punishment based upon a characteristic of the offender: a total lack of culpability, which is demonstrated through a showing of factual innocence based upon evidence discovered subsequent to a full and fair trial.” In re Davis, 2010 WL 3385081, at \*40 (footnote omitted).

Brian David Hill shall first cite persuasive case law authorities as to why he is legally innocent.

The persuasive case law authorities are cited herein:

1. Kenneth Wayne Romick v. Commonwealth of Virginia, Record No. 1580-12-4, Argued at Alexandria, Virginia
2. A. M. Commonwealth of Virginia, Record No. 1150-12-4, Argued at Alexandria, Virginia
3. Kenneth Samuel MOSES v. COMMONWEALTH of Virginia, Record No. 0985-03-3, Court of Appeals of Virginia, Richmond.
4. Kimberly F. Neice v. Commonwealth of Virginia, 1477093 (Va. Ct. App. 2010), Record No. 1477-09-3, CIRCUIT COURT OF GILES COUNTY.
5. Price v. Commonwealth, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974)
6. Hart v. Commonwealth, 18 Va. App. 77, 79, 441 S.E.2d 706, 707 (1994)

Analysis:

From A. M. Commonwealth of Virginia:

*“Code § 18.2-387, the statute under which appellant was convicted, states:”*

*“Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor. No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present.”*

*“(Emphasis added).”*

*“While “private parts” can include the buttocks, Hart v. Commonwealth, 18 Va. App. 77, 79, 441 S.E.2d 706, 707 (1994), Code § 18.2-387 does not criminalize mere exposure of a naked body, see Price v. Commonwealth, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974) (“A portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene.”). Instead, a conviction under Code § 18.2-387 requires proof beyond a reasonable doubt of obscenity.”*

*“Code § 18.2-372 defines the word “obscene” accordingly:”*

*“The word “obscene” where it appears in this article shall mean that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex, that is, a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value.”*

*“(Emphasis added).”*

*“The ‘obscenity’ element of Code § 18.2-387 may be satisfied when: (1) the accused admits to possessing such intent, Moses v. Commonwealth, 45 Va. App. 357, 359-60, 611 S.E.2d 607, 608 (2005) (en banc); (2) the defendant is visibly aroused, Morales v. Commonwealth, 31 Va. App. 541, 543, 525 S.E.2d 23, 24 (2000); (3) the defendant engages in masturbatory behavior, Copeland v. Commonwealth, 31 Va. App. 512, 515, 525 S.E.2d 9, 10-11 (2000); or (4) in other circumstances when the totality of the circumstances supports an inference that the accused had as his dominant purpose a prurient interest in sex.”*

From Kenneth Wayne Romick v. Commonwealth of Virginia:

*“Kenneth Wayne Romick was convicted of indecent exposure, third offense, in violation of Code §§ 18.2-387 and 18.2-67.5:1, and he argues the evidence was insufficient to prove that he intentionally made a display of his private parts and that such display was obscene. We agree that such display was not obscene and reverse and dismiss the indictment.”*

*“The mere exposure of a naked body is not obscene. See Price v. Commonwealth, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974) (finding that “[a] portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene”).”*

The facts that were established in favor of Brian’s innocence are as follows:

According to the evidence submitted by the United States Attorney office for the Middle District of North Carolina, concerning the very state charge of indecent exposure for the supervised release violation, officer Robert Jones (the one who charged Hill with indecent exposure) had admitted under oath (penalty of perjury) that Brian had not been obscene. He also had admitted on the stand at the General District Court of Martinsville on December 21, 2018, that he did not see any

arousal and not seen any masturbation. Brian had filed true and correct photocopies of federal court declarations/affidavits where Brian had admitted multiple times under oath in writing that he “never masturbated”. See Seq. #4, MOTION to admit evidence, filed 01/23/2019, see Seq. #7 MOTION to file evidence before trial, filed 04/08/2019.

*“...I was threatened to get naked, I never masturbated, it was a crazy incident.”*

*“Whoever threatened me needs to be charged and arrested...” (ECF No. 153, Pg. 9, U.S. District Court, Middle District of North Carolina, case no. 1:13-cr-435)*

*“Attorney said that I can bring up about the guy wearing the hoodie. Said that under the law, I would have to have masturbated or be aroused in public to have committed indecent exposure. After he heard my story about the guy in the hoodie, he said taking pictures of myself is not illegal. So he argued that I am technically innocent.” (ECF No. 163, Pg. 5, U.S. District Court, Middle District of North Carolina, case no. 1:13-cr-435)*

*“I never masturbated, I told the police the truth. When I was seen by a passing vehicle, I never masturbated.” (ECF No, 163, Pg. 4, U.S. District Court, Middle District of North Carolina, case no. 1:13-cr-435)*

Same statements in Amended declaration under Document #164 of Brian’s federal case.

Multiple affidavits, same statements that Brian had never masturbated in public.

There is no evidence at all of obscenity, no evidence of sexual behavior.

The only inferences of attempting to establish any element of obscenity was that one attorney gave Brian his opinion that Brian was reportedly smiling in some

photographs. Brian has a mental and neurological condition known as Autism Spectrum Disorder. Mental examinations should not only be limited to just competency and sanity. Brian has Autism Spectrum Disorder (“Autism”), and that disorder can affect and impair communications. Some days it is more difficult for another person to tell that Brian even has Autism, and other days it is easier to tell.

See Document #206 (*U.S. District Court, Middle District of North Carolina, case no. 1:13-cr-435*), MOTION entitled "Petitioner's Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor; Motion and Brief/Memorandum of Law in support of Requesting the Honorable Court in this case Vacate Fraudulent begotten Judgment or Judgments" filed by BRIAN DAVID HILL. Response to Motion due by 11/5/2019. (Attachments: # (1) Exhibit 1, # (2) Exhibit 2, # (3) Supplement 1, # (4) Supplement 2, # (5) Supplement 3, # (6) Supplement 4, # (7) Envelope - Front and Back) (Garland, Leah), filed Oct 15, 2019.

The U.S. Attorney Office had also acquired information from Officer Robert Jones of Martinsville Police Department and had filed evidence on September 12, 2019, at the supervised release violation hearing in Winston-Salem, NC.

Under Exhibit 2 — Document #206, Attachment #2, one of the Government’s exhibits, Brian had taken photos between 12:29AM to 1:01AM. (See **Exhibit 3**)

Brian also has Obsessive Compulsive Disorder (“OCD”) which can cause him to have excessive compliance when directed to do something. That would explain why Brian had taken the amount of photos that he had done. Excessive behavior was caused by his OCD. Any medical doctor or psychologist that the Court would want to ask that is any expert in Autism would attest that Brian can smile in photos in a bad situation, that when Brian had been taught by his family to smile in front

of the camera he can literally just smile in photos even where others aren't smiling, and can exhibit an inappropriate gesture or behavior that can be misconstrued. It is important for this Court to take notice that Brian's Autism and OCD would explain both his excessive photo taking and Brian's smiling in some photographs. Autism can cause somebody to smile under circumstances where normal people would not smile, and police can mistake that gesture as a suspicious gesture. The photos were also not taken around the time and location where 911 was called, presumably by cell phone. Nobody called 911 when the photos were taken, but that somebody had called 911 around the road of "Hooker Street" where the Dick and Willie passage hiking trail was. At that area there was no place for Brian to hide himself and would have been seen regardless once a car had decided at night to have driven down the road of Hooker Street. That was also from the U.S. Attorney's reported evidence of where 911 was called on Brian. In fact the 911 caller had never elected to testify against Brian at the General District Court and neither at the Federal Court hearing on September 12, 2019.

Still Brian had not been aroused, Brian had not had a prurient interest in sex. Brian has Autism and OCD. Brian had admitted multiple times under oath in federal court documents in 2018 that he had never masturbated. Even the police admitted during the Supervised Release Violation hearing over this very charge that when he approached Brian that he was carrying a flashlight in each hand. So Brian wasn't aroused and didn't appear to show any sexual arousal. The photographs were taken around the area of Greene Co. Inc., factory building around nighttime when nobody was working at that building, and 911 was reportedly called around Hooker Street which was miles away from the Greene Co. Inc., factory building and the area where Brian allegedly took the photos. Brian was never seen by a person when the photos were taken, a majority of the photos taken on or around



private property and nobody was present in those areas to have witnessed Brian. The only time Brian was reported to the police, was at the Dick and Willie hiking trail around Hooker Street, where the Southern Finishing factory was. The photos were taken until 1:01AM and then around two hours later at 3:00AM approximately, 911 was called. The person who called 911 may have called because they were concerned that a nude male was walking out at night and likely had thought that the person was drunk, an elderly person wandering away from a rest home or care home, or that it was a mentally ill or mentally deficient person, or person with mental retardation, or someone in danger.

Exhibit 4 (See **Exhibit 4**) is documented from a Government source and likely sourced from other well research institutions that people with Autism can do repetitive behaviors and give the wrong social cues.

*“Autism represents a broad group of developmental disorders characterized by impaired social interactions, problems with verbal and nonverbal communication, and repetitive behaviors or severely limited activities and interests.”*

*“Autism - or more precisely the autism spectrum disorders (ASDs) - represent a broad group of developmental disorders characterized by impaired social interactions, problems with verbal and nonverbal communication, and repetitive behaviors or severely limited activities and interests.”*

*“The ASDs include a variety of medical autism diagnoses, which vary in the severity of the individual symptoms and include autistic disorder (sometimes called classical autism), Asperger's syndrome and a general diagnostic category called Pervasive Developmental Disorders (PDD).”*

Brian was given that diagnosis of PDD-NOS which stands for Pervasive Developmental Disorder: Not Otherwise Specified but that older diagnosis at the

age of two was let go from TEACCH (University of North Carolina, Department of Psychology) and was diagnosed with Autism Spectrum Disorder at the age of four.: Mild Range. See **Exhibit 5**, photocopy of Autism TEACCH papers of Brian David Hill, which was filed in a federal court case.

*“The hallmark symptom of autism is **impaired social interaction**. Children with autism may fail to respond to their name and often avoid eye contact with other people. They have **difficulty interpreting what others are thinking or feeling because they don't understand social cues provided by tone of voice or facial expressions and they don't watch other people's faces to pick up on these cues.**”*

This doesn't just explain why those on the Autism Spectrum may not make the appropriate body gestures or facial expressions, but also shows ineffective counsel as counsel had failed to ask for a Medical Doctor or any certified Medical Expert with any expertise in Autism Spectrum Disorder. That would help the jury or judge to have understood why Brian David Hill was smiling in the photographs of him naked. He isn't being sexual or of a perverted mind. Nudists smile in photographs and they aren't being sexual. That was why Virginia Courts of Appeals have stated that nudity itself is not obscenity and that simply being naked should not be criminalized by that statute. If it was, then all bathhouses, all art galleries with any statues or artwork with nudity, and all nudism resorts and beaches would then be criminalized because others would be present to see full-body-nudity which would show buttocks, genitalia, and breasts.

In fact people with Autism (See **Exhibit 6**) have *“Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.”*

So is Brian David Hill being pushed into a conviction for indecent exposure or for his Autism Spectrum Disorder? Is Brian being punished over his Autism? Was Martinsville Police properly trained on how to deal with Autism Spectrum Disorder and find better ways to deal with an autistic behavior rather than conviction and punishment?

Exhibit 6: Autism behavior was documented in the DSM-IV in regards to the fact that Autism can cause “*Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two of the following, currently or by history (examples are illustrative, not exhaustive; see text)*”, “*Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interests)*”, and “*Insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take same route or eat same food every day)*.”

That would explain why Petitioner Brian David Hill had taken a lot of nude photos of himself. If he was indeed threatened by a man wearing a hoodie, to get naked and take photos of himself, then his Autism can work against him and cause him to be overly-compliant and exhibit a repetitive behavior. Maybe Brian had smiled in some because he thought by doing this repetitive behavior that his mother would be safe from being killed.

Is an autistic behavior obscene when not-sexual? Does an autistic person who simply strips naked have any intent to have a prurient interest in sex?

Brian’s Federal affidavits say that he never masturbated when he was naked on September 21, 2018. The Martinsville Police has presented no evidence of any

masturbatory behavior. So Brian didn't engage in masturbation. Brian wasn't being obscene.

One of the things the Habeas Court should do is ask Martinsville Police Sergeant Robert Jones if he ever thought that Brian was being obscene. Was Brian engaging in any masturbatory or any sexual behavior? Was Brian just naked at night on a walking trail and that was it?

These are the questions that prove facts of Brian David Hill's factual innocence. If Brian did not engage in any obscenity on the Dick and Willie hiking trail at night, and was not being obscene on September 21, 2018, then will the Habeas Court consider the well-established and persuasive case law that says that Brian David Hill is not guilty of indecent exposure because there was no obscenity here?

Brian David Hill has Autism Spectrum Disorder. It affects his behavior and is a neurological disorder, and a very difficult disorder to tame without medication. Brian David Hill was not on any medication except for insulin on September 21, 2018 and didn't even have his insulin with him when he was found by Officer Robert Jones. Whether Brian had any intent of being obscene or not should be at what the Officer witnessed and based on the behaviors of Autism Spectrum Disorder. The officer Robert Jones did not think that Brian was being obscene. At the General District Court, the officer did not see any masturbatory behavior and did not feel that Brian was being in any way, shape, or form obscene. The photographs by the Commonwealth Attorney of Brian David Hill being naked has the earmarks of repetitive behavior (taking more photographs than reasonably necessary to satisfy a demand by another person), inappropriate body gestures and facial expressions, and all of those are documented symptoms of Autism Spectrum Disorder according to the DSM-IV, diagnostic psychiatric manual. Autism itself is NOT documented exclusively as a sexual behavior and Autism is NOT a sexual

offense behavior. Autism symptoms can vary depending on each person diagnosed with such.

Brian's behavior to Officer Robert Jones shows symptoms of his Autism.

Brian's behavior when taking the photographs to satisfy the guy wearing a hoodie shows symptoms of his Autism.

Brian's behavior in the photographs shows symptoms of his Autism.

It is not that the Government has lack of obscenity in regards to Brian David Hill, it is that his Autistic behavior, even though abnormal, do not exhibit a prurient interest in sex. Brian did not engage in sexual conduct, he was just naked. That was enough for a Police Officer to detain him and arrest him for indecent exposure, but it is not enough to convict him of indecent exposure because he did not possess a prurient interest in sex.

Brian David Hill had sent a letter to Martinsville Police Department with attached evidence. All of that should be reviewed by the court. A true and correct copy of that letter and evidence was filed on Federal court record.

See Document #181 DECLARATION entitled "Evidence Declaration of Brian David Hill Regarding Carbon Monoxide and Letgter to Martinsville Police Chief in Opposition to Government's/Respondent's Documents # 156, # 157, # 158, # 159, and # 160 " filed by BRIAN DAVID HILL. (Attachments: # 1 Exhibit 0, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Envelope - Front and Back) (Garland, Leah) (Entered: 07/22/2019). See all attachments to see the very evidence that was mailed to the Police Chief of Martinsville Police Department. Case United States v. HILL (1:13-cr-00435), U.S. District Court, M.D. North Carolina. The evidence cited from Federal Court documents should be

admitted into the case as relevant evidence. The Martinsville Police failed or refused to investigate any of the evidence mailed to the Police Department. It was signed for By G.E. Cassidy and was delivered on the date/time of 2:52 pm on August 7, 2019. See Exhibit 12.

### **BASIS OF INEFFECTIVE COUNSEL**

Petitioner Brian David Hill was not given effective counsel under the Fifth Amendment of the United States Constitution.

See Strickland v. Washington, 466 U.S. 668 (1984)

*The Sixth Amendment right to counsel is the right to the effective assistance of counsel, and the benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result. The same principle applies to a capital sentencing proceeding -- such as the one provided by Florida law -- that is sufficiently like a trial in its adversarial format and in the existence of standards for decision that counsel's role in the proceeding is comparable to counsel's role at trial. Pp. 466 U. S. 684-687.*

*A convicted defendant's claim that counsel's assistance was so defective as to require reversal of a conviction or setting aside of a death sentence requires that the defendant show, first, that counsel's performance was deficient and, second, that the deficient performance prejudiced the defense so as to deprive the defendant of a fair trial. Pp. 466 U. S. 687-696.*

*(a) The proper standard for judging attorney performance is that of reasonably effective assistance, considering all the circumstances. When a convicted*

*counsel's conduct falls within the wide range of reasonable professional assistance. These standards require no special amplification in order to define counsel's duty to investigate, the duty at issue in this case. Pp. 466 U. S. 687-691.*

*(b) With regard to the required showing of prejudice, the proper standard requires the defendant to show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome. A court hearing an ineffectiveness claim must consider the totality of the evidence before the judge or jury. Pp. 466 U. S. 691-696.*

Petitioner's counsel Scott Albrecht was deficient in the following ways:

1. Scott Albrecht told Brian and his family that Brian was legally innocent of indecent exposure but failed to show case law to the General District Court supporting his claim that Brian cannot be convicted of indecent exposure unless he was being obscene at the time he was naked. He failed to file a motion to dismiss based upon lack of evidence of obscenity. If there is no evidence of obscenity, then there is no evidence whatsoever to convict Brian David Hill of indecent exposure and the indictment should have been dismissed without a jury trial or bench trial, as it wastes the Court's time and resources. Scott Albrecht did not address a Medical Doctor or any other certified expert in Autism Spectrum Disorder to

*defendant complains of the ineffectiveness of counsel's assistance, the defendant must show that counsel's representation fell below an objective standard of reasonableness. Judicial scrutiny of counsel's performance must be highly deferential, and a fair assessment of attorney performance requires that every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time. A court must indulge a strong presumption that*



explain Brian's abnormal behavior on September 21, 2018 that differs from a usual reasonable person with no neurological defects. He could have shown why Brian's behavior and actions taken that night was abnormal but did not rise to any level of obscenity. Scott Albrecht failed to demonstrate Brian's innocence prior to the trial in General District Court which would have resolved the case a long time ago and this Writ would never have had to have been drafted up by Petitioner. Martinsville City Jail has no law library at all which further deprived Petitioner of his constitutional rights and blocked Brian from being able to file a Writ of Certiorari to appeal his federal Freedom of Information Act (FOIA) lawsuit in Danville, Virginia. Martinsville City Jail deprived him of access to any legal resources with no law library. He couldn't file any valid motions to the federal court while he was incarcerated at Martinsville City Jail. So Martinsville City Jail is partially at fault as to why a Federal Detainer was thrown at Brian. The State owes him his actual innocence and owes him the right to overturn his state conviction. The Supreme Court believes that prisoners have a right to legal resources to prevent harmful legal outcomes. If the state stands in the way of A Petitioner's ability to do legal research or get legal assistance, a Petitioner may be able to file a suit claiming that the Petitioner has been denied access to the courts. See *Bounds v. Smith*, 430 U.S. 817, 828, 97 S. Ct. 1491, 1498, 52 L. Ed. 2d 72, 83 (1977). For recent cases discussing the right of access, see *Hebbe v. Pliler*, 627 F.3d 338 (9th Cir. 2010) (holding that the prisoner Hebbe satisfied the Lewis "actual injury" requirement, because while the prison was on lockdown, Hebbe was denied access to the law library to file a brief for his appeal); *Benjamin v. Kerik*, 102 F. Supp. 2d 157, 164-69 (holding that three of the eight allegations of "actual injury" fulfilled the Lewis requirement).

2. Scott Albrecht had never filed a discovery motion asking for the police body-camera (bodycam) footage of what was recorded by Martinsville Police during and before the arrest of Brian David Hill. The footage is likely destroyed or disposed of now because Scott Albrecht failed or refused to even simply ask the police for the bodycam footage during their retention period which Petitioner may not know the official evidence retention period for Martinsville Police Department. Scott's failure may have hurt Brian's ability to show that he wasn't obscene, wasn't engaging in masturbatory behavior, and made it more difficult for Brian David Hill to win at trial.

3. Scott Albrecht never used evidence emailed or faxed or hand delivered from Brian's family members. In fact Scott Albrecht ignored it all. He never asked anyone to testify in Brian's favor, no defense witnesses present. The only one who testified on December 21, 2018 in General District Court was the accused Petitioner "Brian David Hill".

4. Scott Albrecht never asked his client Brian David Hill if he wanted to appeal the decision of the General District Court. Brian was whisked away by law enforcement which had caused Brian's Autism to act up and Brian said "F\*\*k the Police" and they rushed him out of the courtroom. Scott Albrecht caused this as he deprived Brian of his right to appeal. If Scott had done that, then Brian never would have said those words. Brian's own lawyer betrayed Brian by not even allowing him to appeal the decision. Brian had to write his own "Notice of Appeal" and beg the officers to let it be mailed out on December 22, 2018, before he was transported under Federal Marshals custody to the Western Virginia Regional Jail in Salem, Virginia. His Notice of Appeal was docketed and the case was opened up in the Martinsville Circuit Court. Scott Albrecht was so ineffective that Brian got upset and cussed out the police in the courtroom, then begged the officers of the

Jail to let his "Notice of Appeal" be mailed out before the U.S. Marshals or Jail Officers that were deputized by the U.S. Marshals took him away. Even the U.S. Marshals had in their report about what Brian told the officers when they whisked him away, and Brian had saw a peek of that in his federal file that the jail staff was reviewing. So it made Brian look bad, his Autism was again sued against him, and his own lawyer betrayed him which caused that behavior. Brian kept getting betrayed by his own court appointed lawyers who do not fully represent him or misrepresent him.

5. Scott Albrecht didn't review over all of the Brady material with his client. Scott told Brian that they would review over the photos together to determine if Brian was aroused or if he wasn't being obscene, but Brian first saw the photos at the General District Court bench trial on December 21, 2018. He never showed Brian the police report on Brian and never gave Brian a chance to review over the entire report to see any possible defenses or contradictions. Scott never showed Brian all of the requested discovery material, and so Brian couldn't assist his lawyer in his defense because he didn't see the whole picture of what the prosecution would present at trial.

Scott Albrecht was ineffective. He didn't present any appellate case law about the obscenity requirement for his client to be convicted under "§ 18.2-387. Indecent exposure." He didn't do a good job. Brian's family witnessed Scott Albrecht losing a few other cases before Brian's case was brought up on December 21, 2018. Scott Albrecht was only good for one thing, admitting that Brian David Hill was legally innocent of indecent exposure because he wasn't being obscene. However Scott Albrecht failed to prove it, failed to demonstrate that his client Brian David Hill was legally innocent. He was constitutionally deficient under the Strickland v. Washington prong. The prejudice Brian has suffered was not getting his case

dismissed by motion to dismiss that his own attorney could have filed. The additional prejudice was that Brian was arrested and transported away by deputies of the U.S. Marshals Service because Scott Albrecht had failed to demonstrate Brian's innocence under any pleadings prior to Brian being served with a Federal Detainer in November, 2018. Brian was further prejudiced that not being found innocent in General District Court caused Brian's Supervised Release to be revoked on September 12, 2019 in Winston-Salem, North Carolina. His Supervised Release Revocation was appealed timely and is being overturned, but if Brian remains convicted of indecent exposure, then Brian runs a high risk of going to Federal Prison within a month or within time. While awaiting his fate on stricter bond conditions as a result of the Violation over his state charge of indecent exposure and conviction in General District Court.

**Petitioner's counsel Lauren McGarry was deficient in the following ways:**

1. Lauren McGarry had no defense prepared at all, and didn't have anybody to research persuasive case law about the obscenity requirement for indecent exposure charges.
2. Lauren McGarry pushed for Brian David Hill to waive jury trial and have it as a bench trial, Commonwealth Attorney had pushed for a jury trial. Then Lauren McGarry brought up that Brian's federal conviction can be brought up because it is a sex case and the jury will more than likely give the maximum sentence of imprisonment and find Brian guilty. The Rules of Evidence say something different than what Lauren McGarry's legal contentions were:

CITATION: RULES OF SUPREME COURT OF VIRGINIA // PART TWO

VIRGINIA RULES OF EVIDENCE

ARTICLE VI. WITNESS EXAMINATION

Rule 2:609 IMPEACHMENT BY EVIDENCE OF CONVICTION OF CRIME  
(derived from Code § 19.2-269)

*“Evidence that a witness has been convicted of a crime may be admitted to impeach the credibility of that witness subject to the following limitations:”*

*“(a) Party in a civil case or criminal defendant.”*

*“(i) The fact that a party in a civil case or an accused who testifies has previously been convicted of a felony, or a misdemeanor involving moral turpitude, and the number of such convictions may be elicited during examination of the party or accused.”*

*“(ii) If a conviction raised under subdivision (a)(i) is denied, it may be proved by extrinsic evidence.”*

*“(iii) In any examination pursuant to this subdivision (a), the name or nature of any crime of which the party or accused was convicted, except for perjury, may not be shown, nor may the details of prior convictions be elicited, unless offered to rebut other evidence concerning prior convictions.”*

Yes, if Brian were to testify on the stand, the Commonwealth Attorney can get Brian to admit that he was convicted in Federal Court, however *“the name or nature of any crime of which the party or accused was convicted, except for perjury, may not be shown, nor may the details of prior convictions be elicited, unless offered to rebut other evidence concerning prior convictions.”* Brian stated in his motion to withdraw (See **Exhibit 8**) that he was given the impression that his federal conviction of “possession of child pornography” would be brought up and Brian would not be allowed to tell the jury that he had filed a Writ of Habeas Corpus on the ground of actual innocence in November, 2017, and later is asking

for vacatur of that conviction on an additional ground (not subject to time bar) of Fraud Upon the Court by the federal prosecutor.

If the Commonwealth Attorney forces Brian to disclose what he was convicted for while he testified on the stand, the attorney should have prepared to have copies of Brian's legal remedies in federal court being exercised to show the jury that he may not be guilty of possession of child pornography, and if his conviction is overturned at a later time then it should not even be an issue as to the state charge of indecent exposure.

It says the name and nature of any crime "*may not be shown, nor may the details of prior convictions be elicited, unless offered to rebut other evidence concerning prior convictions.*" Either Brian's wrongful conviction should not even be brought up but limited to just asking Brian if he was a convicted felon without any further details, or if the subject matter of "possession of child pornography" is brought up; then Brian's attorney or Brian orally has a right to testify that he is attempting to overturn his federal criminal conviction on the Writ of Habeas on actual innocence and fraud upon the court to "rebut other evidence concerning prior convictions."

Lauren McGarry was one of Brian's court appointed lawyers who had scared Brian and his family into considering withdrawing his appeal and accepting the guilty verdict of the lower court.

Citing Rule 2:403:

*"RULES OF SUPREME COURT OF VIRGINIA // PART TWO"*

*"VIRGINIA RULES OF EVIDENCE"*

*"ARTICLE IV. RELEVANCY, POLICY, AND CHARACTER TRAIT PROOF"*

*“Rule 2:403 EXCLUSION OF RELEVANT EVIDENCE ON GROUNDS OF PREJUDICE, CONFUSION, MISLEADING THE JURY, OR NEEDLESS PRESENTATION OF CUMULATIVE EVIDENCE”*

“Relevant evidence may be excluded if:”

*“(a) the probative value of the evidence is substantially outweighed by (i) the danger of unfair prejudice, or (ii) its likelihood of confusing or misleading the trier of fact; or”*

*“(b) the evidence is needlessly cumulative.”*

So even this rule can apply to Brian’s testimony in being forced against his will to admit that Brian was convicted in federal court for possession of child pornography when it is being challenged on the grounds of Fraud Upon the Court and actual innocence through Writ of Habeas Corpus (2255 Motion).

See Document #214, “MOTION FOR LEAVE TO AMEND OR SUPPLEMENT HIS 2255 MOTION by BRIAN DAVID HILL. (1:17CV1036) (Butler, Carol) (Entered: 11/04/2019)”. That asks the Court to amend for a GROUND FIVE: Fraud Upon the Court, to be added to his federal Writ of Habeas Corpus petition.

See Document #125, “MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) by BRIAN DAVID HILL. (Attachments: # 1 Envelope)(Taylor, Abby) Civil case 1:17-cv-01036-TDS opened. (Entered: 11/14/2017)”. That asks the Court to vacate his wrongful conviction and one of the grounds is on the basis of Actual Innocence in his federal Writ of Habeas Corpus petition.

*United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.””*

If Federal Writ of Habeas Corpus can be used as a vehicle to demonstrate legal innocence as a means to vacate and nullify a wrongful conviction by order of the United States Supreme Court precedential case law precedent, then States have to allow a legal vehicle as well for legal innocence which is actual innocence.

In fact if this Court does not overturn the wrongful conviction in the Martinsville General District Court and appeal withdrawn in Martinsville Circuit Court, when Brian had provided evidence and case law showing good cause for Petitioner’s legal innocence which is actual innocence, then Brian David Hill suffers a miscarriage of justice, and is cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution, and in violation of Virginia Constitution Article I. Bill of Rights, Section 9. Prohibition of excessive bail and fines, cruel and unusual punishment.

ANALYSIS:

**Virginia Constitution Section 9. Prohibition of excessive bail and fines, cruel and unusual punishment, suspension of habeas corpus, bills of attainder, and ex post facto laws.**

*“That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; that the privilege of the writ of habeas corpus shall not be suspended unless when, in cases of invasion or rebellion, the public safety may require; and that the General Assembly shall not pass any bill of attainder, or any ex post facto law.”*

Emphasis added.



Lauren McGarry never showed Brian all of the requested discovery material, and so Brian couldn't assist his lawyer in his defense because he didn't see the whole picture of what the prosecution would present at trial.

4. Lauren McGarry never asked for any pre-trial hearings to determine the admissibility of any evidence and to submit a list of witnesses and exhibits of what was planned for the jury trial.

**Petitioner's counsel Matthew Clark was deficient in the following ways:**

1. Matthew Clark had not timely filed any request with the Court for a Medical Doctor or any medical expert at all to testify in defense of Brian David Hill before the scheduled jury trial of December 2, 2019. In fact he had filed no motion or request at all to attempt to admit any expert witnesses.

2. Matthew Clark had not attempted to file a motion to dismiss based upon Brian's legal innocence and no evidence of obscenity. Brian D. Hill had filed a fax pro se with a motion to dismiss on November 4, 2019 (Seq. #39) but that motion was

Lauren McGarry and Matthew Clark, none of them was going to bring that up if Brian testifies, the Commonwealth Attorney asks Brian about his conviction on “possession of child pornography” but they were never going to disclose about Brian’s “Fraud upon the court” allegations which none of them were opposed or responded to by the U.S. Attorney. They were never going to expose Brian’s actual innocence claims.

However she did at least file a motion to withdraw as counsel of record and then Matthew Clark was appointed as counsel of record.

3. Lauren McGarry didn’t review over all of the Brady material with her client. She never showed Brian the police report on Brian and never gave Brian a chance to review over the entire report to see any possible defenses or contradictions.

ignored as well. With Brian having no other recourse he had two choices, (1) file a motion to proceed pro se with no guarantee that Brian may have counsel appointed again and Brian has no trial experience and is not a lawyer, or (2) withdraw the appeal. Brian was placed in this bad position by both bad advice and lack of real representation.

3. Matthew Clark had not filed any motions to suppress any evidence. Clark had not filed any requests to block the Commonwealth Attorney from bringing out any details of Brian's wrongful federal criminal conviction or request that if the jury hears of his charge, that pursuant to Rule 2:609 the Attorney would present federal court filings showing that Brian David Hill had petitioned the U.S. District Court and is still pending in regards to his actual innocence and fraud upon the court by the federal prosecutor to make it a FAIR TRIAL instead of an unfair prejudiced jury trial.

4. Matthew Clark had not faxed, emailed, or mailed any interrogatories, at least to Petitioner's knowledge. Brian faxed interrogatories with pretty decent and relevant questions to the Commonwealth's Attorney and to Matthew Clark's office but nothing was ever done about it. The interrogatories were ignored; he never moved to adopt his client's interrogatories and never attempted to enforce them with the Commonwealth Attorney's office.

5. Matthew Clark never asked for any pre-trial hearings to determine the admissibility of any evidence and to submit a list of witnesses and exhibits of what was planned for the jury trial.

6. Matthew Clark didn't review over all of the Brady material with his client. He never showed Brian the police report on Brian and never gave Brian a chance to review over the entire report to see any possible defenses or contradictions.

Matthew Clark never showed Brian all of the requested discovery material, and so Brian couldn't assist his lawyer in his defense because he didn't see the whole picture of what the prosecution would present at trial.

The prejudice that all three ineffective court appointed lawyers had caused Brian are that:

- (1) Brian was wrongfully convicted for indecent exposure when he could have been found legally innocent with support of relevant case law authorities.
- (2) Brian faces up to 9 months of imprisonment (See **Exhibit 1**) (See **Exhibit 9**) unless he is found legally innocent of indecent exposure as it would prove that Brian David Hill complied with his Federal Probation by not violating a state, federal, or local law.
- (3) Brian David Hill is being billed with legal costs of over \$1,000. (See **Exhibit 2**), which is additional punishment. Brian's only source of income is \$771 SSI disability benefits, with food stamps and Medicaid. \$500 goes to rent. Demanding that Brian garnish any of his SSI money to pay legal costs isn't just additional cruel and unusual punishment against a mentally disabled person who doesn't work a job, it violates the Federal Law on protecting SSI benefits from garnishment from any court mandated costs. (making 4... installment payments of \$ 300.00 . per 6 MONTHS-beginning .o5}15/2020.)
- (4) Brian David Hill is suffering under restrictive Federal Bond conditions that were triggered and caused by the state charge of indecent exposure (See **Exhibit 9**). That shows that the state charge had put Brian in a more restrictive Federal custody due to the cause of the state charge on September 21, 2018 (See **Exhibit 10**, **Exhibit 11**). Brian is entitled to prove his legal

innocence to resolve the Federal Supervised Release issue and release Brian from bond. If any of Brian's court appointed lawyers had done their job at actually defending Brian, conducting thorough investigative work and presenting persuasive case law in Brian's favor, and filing suppression motions or even a motion to dismiss, then Brian would have had a better chance of not being served with a Federal Detainer. Brian never would have been placed on Federal bond, and likely the Supervised Release Violation hearing would have made a determination more favorable to Brian had he been found legally innocent of indecent exposure. The attorneys' unprofessional errors and failures had caused Brian unnecessary harm, imprisonment up to 9 months, the cost of hundreds of dollars of paperwork and mailings for Brian to have to keep fighting this state case and the federal case over and over again until justice is finally there. Carpel tunnel syndrome and other misery and suffering that has happened to Brian as a result of such ineffectiveness.

(5) Had Brian had effective lawyers, the jury would have found Brian not guilty or would have given Brian a good chance to prevail on appeal as a matter of law, or the case would have been dismissed as a matter of law.

Brian had clearly established not just the deficient performance and constitutional deprivations caused by ineffective counsels' but also prejudice. Brian had demonstrated violation of his Fifth Amendment right to effective assistance of counsel and due process.

### **BASIS OF DUE PROCESS DEPRIVATION**

Petitioner had explained why he had withdrawn his appeal (See **Exhibit 8**). He was deprived of fair and equal access to the judicial system through ineffective counsel. Brian had filed pro se motions out of disagreements Brian had had with his legal

counsels' Scott Albrecht, Lauren McGarry, and Matthew Clark. None of those pro se motions were ever acted upon.

Brian had also faxed interrogatories at an earlier time asking the Commonwealth Attorney questions under oath which was directed to one of the Government's witnesses "Sergeant Robert Jones" of Martinsville Police Department. Those were also never acted upon and ignored by the Commonwealth Attorney because Brian was represented by counsel.

Brian had filed a motion to suppress, motion to dismiss, motion to plead not guilty by reason of insanity and intent to bring an insanity defense, and motion for discovery. In fact none of those were ever acted upon because Brian's counsel knew what Brian was legally asking the Court to do but none of them ever attempted to file any of those and none of them ever adopted those pro se motions so that the Court and the Commonwealth Attorney would not ignore them since the attorney adopting it would make those motions the same as attorney filed motions.

Because of ineffective counsel, Brian was not given fair and impartial access to our judicial system. His rights, his evidence, his witnesses, his interrogatories, and any chance of him proving legal innocence was all completely deprived from Brian David Hill the Petitioner. As long as Brian was represented by ineffective counsels', Brian was deprived of any and all access to the criminal justice system. He was not going to get a fair trial, he was destined to lose the jury trial unless Brian had proceeded pro se but Brian has no trial experience, Brian is not a licensed lawyer and never been to law school, and his Autism would make it difficult to convince a jury that he is innocent, and Brian can't ask himself questions while testifying on the stand, he would essentially be a sitting duck waiting to politically be shot down.

Brian David Hill was entirely deprived of due process due to ineffective counsel. Brian was deprived of access to all potential discovery materials which includes the police body-camera (bodycam) footage recorded on September 21, 2018. Brian was deprived of motion to dismiss to maintain his innocence which would have caused Brian to never face a potential conviction. Brian was deprived of motion(s) to suppress evidence. Brian was deprived of interrogatories to ask Government's witness Robert Jones if Brian was engaging in masturbatory behavior or any behaviors at all which would be required to legally find Brian guilty of obscenity. That would be enough for a conviction of indecent exposure if there was obscenity. Brian was deprived of presenting any witnesses in his favor including expert witnesses (*even ones his family had agreed to pay for if the Commonwealth Attorney objects to any money being paid for by the State to fund the expert witness*). Brian was deprived of all rights in the Constitution. Brian's pro se motions were ignored, so Brian had no equal and fair access to the Court in Virginia. In violation of every one of his constitutional due process rights protections afforded to all criminal defendants inside the United States.

Ineffective counsel deprived Brian of all just and fair outcomes for the jury trial that would have ended badly due to severe ineffective counsel. All of Brian's court appointed counsels' failed to submit jury instructions with the Appellate case law and another instruction as a matter of law that simply being naked is not obscene and is not criminalized under the statute.

### **GUILTY PLEA INVALID CAUSED BY INEFFECTIVE COUNSEL**

Case law regarding ineffective counsel and case law regarding guilty pleas.

Padilla v. Kentucky, 130 S. Ct. 1473 (2010)

The failure to advise a defendant about the deportation consequences of entering a plea in a felony drug case amounted to ineffective assistance of counsel. The Court held that in certain situations, the failure to provide *any* advice constitutes ineffective assistance – especially where the consequence of a plea is easy to determine and is “automatic” – while in other cases, it is required at a minimum that counsel advise the defendant that there may be immigration consequences and that the defendant should seek advice from an immigration law attorney. In other words, to be effective, an attorney may be required to actually provide accurate advice if the immigration consequences are clear; and at a minimum, should warn the defendant of possible consequences if the result of entering a plea is not so clear. The Court held that the right to effective assistance of counsel is not violated only when counsel provides erroneous advice.

*Hill v. Lockhart*, 474 U.S. 52 (1985)

When a defendant challenges a guilty plea after sentencing on the ground that his lawyer provided him ineffective assistance, he must demonstrate that (1) his counsel’s advice was not within the range of competence demanded of attorneys in criminal cases, and (2) there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.

*Missouri v. Frye*, 132 S. Ct. 1399 (2012)

The defendant was entitled to raise a *Padilla* claim based on his attorney’s statement, “The government almost never issues a detainer for a Cuban, because they won’t deport to Cuba.” The fact that the plea was entered one year prior to the decision in *Padilla* does not mean that the attorney was not ineffective in providing this inaccurate advice.

*United States v. Bui*, 795 F.3d 363 (3rd Cir. 2014)

Trial counsel erroneously advised the defendant that if he entered a guilty plea to possessing drugs within 1000 feet of a school, he could receive safety-valve relief and receive a shorter sentence. However, the safety-valve is not available for this drug offense. The attorney provided ineffective assistance in connection with the guilty plea and the plea was therefore set aside.

*Roundtree v. United States*, 751 F.3d 923 (8th Cir. 2014)



An evidentiary hearing should have been held to determine whether trial counsel failed to warn the defendant that he was facing a mandatory life sentence if convicted at trial.

*Kovacs v. United States*, 744 F.3d 44 (2d Cir. 2014)

Counsel's erroneous advice about the deportation consequences of a plea to misprision of a felony was grounds to award coram nobis relief.

*Heard v. Addison*, 728 F.3d 1170 (10th Cir. 2013)

The defendant entered a guilty plea in state court to child molestation and received a twenty-five year sentence. The Tenth Circuit granted a writ, because a state court unpublished decision (issued prior to the time the defendant entered his guilty plea) indicated that the precise conduct that was involved in defendant's case was not a crime under Oklahoma law (looking under the dress of a girl who is wearing underwear). If the defendant had known about this ruling, he would not have entered a guilty plea. Interestingly, a decision issued by the Oklahoma courts *after* the defendant entered his plea suggested that his conduct *would* be criminal.

*United States v. Reed*, 719 F.3d 369 (5th Cir. 2013)

The Fifth Circuit remanded this § 2255 case back to the district court to conduct an evidentiary hearing on whether trial counsel was ineffective in failing to properly advise the defendant about what sentence he would have received had he entered a guilty plea. Trial counsel (according to the defendant), advised him that he would be sentenced to 36 months if he accepted the plea offered by the government. The defendant claimed in his § 2255 petition that he was actually facing between 8 – 14 months had he accepted the plea. A hearing on the merits of the claim was required.

*Johnson v. Uribe*, 682 F.3d 1238 (9th Cir. 2012)

The defendant entered guilty pleas to illegal reentry, and filing a false firearm transaction report (regarding his citizenship). Counsel failed to investigate and research the possibility that defendant was actually a citizen under the principle of "derivative citizenship" since his mother was naturalized. This was ineffective assistance of counsel that tainted the guilty plea.

*United States v. Smith*, 640 F.3d 580 (4th Cir. 2011)

If a defendant claims that his lawyer was so deficient that it amounted to no counsel at all, this can taint a guilty plea. Though a guilty plea generally waives all non-jurisdictional defects, this doctrine does not bar a challenge to the right to counsel, because this affects the voluntariness of the plea.

*United States v. Weeks*, 653 F.3d 1188 (10th Cir. 2011)

In the context of reviewing an ineffective assistance of counsel claim for a defendant who entered a guilty plea to a conspiracy offense, the Tenth Circuit emphasized that a conspiracy conviction requires proof that the defendant knew that his agreement involved a violation of the law, not simply an agreement to engage in certain conduct: “An agreement with others that certain activities be done, without knowing at the time of the agreement that the activities violate the law, is therefore insufficient to establish conspiracy.” The defendant’s § 2255 petition in this case was sufficient to allege facts that necessitated a hearing on the question of whether he fully understood the nature of the charges. The plea colloquy was insufficient to show that the defendant understood the nature of the proof that was required to prove his guilt, given his reluctance to acknowledge that he knew, at the time the events occurred, that his conduct was illegal.

*Tovar Mendoza v. Hatch*, 620 F.3d 1261 (10th Cir. 2010)

The trial attorney’s grossly inaccurate statement to the defendant about the amount of time he would be required to serve if he pled guilty amounted to ineffective assistance of counsel and rendered the guilty plea involuntary. Defense counsel told the defendant his sentence would be three years. The sentence imposed was 25 years.

*Bauder v. Department of Corrections*, 619 F.3d 1272 (11th Cir. 2010)

The Eleventh Circuit held that the defendant’s attorney provided ineffective assistance of counsel because of his failure to advise the defendant of the possibility that his guilty plea to stalking under Florida law could lead to civil commitment as a sexually violent person under state law. The Eleventh Circuit relied on *Padilla* in holding that even though the law was not absolutely clear that civil commitment was a collateral consequence, the attorney had the obligation to at least warn the defendant of the possibility.

*Williams v. Jones*, 571 F.3d 1086 (10th Cir. 2009)

The defendant was offered a plea agreement that would require him to serve 13 months. He drew the line at 12 months (so he could serve the sentence in the county jail) and the attorney advised him to simply enter a plea “straight up” without a plea agreement and see if another month could be shaved off the sentence. The defendant took the advice and the judge sentenced the defendant to ten years. The attorney was unaware of prior convictions that changed the judge’s mind. The attorney provided ineffective assistance of counsel. Even without the recidivist issue, advising the defendant to reject a 13 months certain sentence and plead without an agreement to see if he could get 12 months was not sound advice.

*United States v. Mooney*, 497 F.3d 397 (4th Cir. 2007)

Trial counsel was ineffective in advising the defendant that he should plead guilty in this felon-in-possession case, because there was no justification defense available. The defendant seized the gun from his wife, who was threatening him, and promptly went to the police who were at his place of employment and gave them the weapon.

*Julian v. Bartley*, 495 F.3d 487 (7th Cir. 2007)

Counsel advised the defendant that pursuant to the (then) new decision in *Apprendi*, the state could not impose consecutive sentences based on the defendant’s recidivist status, because the prior offense was not set forth in the indictment. Because *Apprendi* exempted prior offenses from the scope of its decision (prior offenses need not be set forth in the indictment, or proved to a jury in order to affect the sentence), the attorney’s advice was ineffective assistance of counsel. The defendant rejected a plea offer and went to trial. The Seventh Circuit granted the writ. Oddly, the court held that the state is not required to offer the original deal. It may offer that deal, but it is not required to do so. The state may also simply re-try the defendant.

*United States v. Morris*, 470 F.3d 596 (6th Cir. 2006)

In a crowded state court holding cell, the defendant met his appointed attorney for the first time. He was offered a plea of four years, or face federal charges. The attorney had virtually no time to review discovery or have a private conversation with the defendant. She also provided inaccurate advice about the possible federal sentence if he did not take the state plea. This was ineffective assistance of counsel. The defendant rejected the state plea offer and was then prosecuted in federal court. The district court judge concluded that the federal indictment should

be dismissed so that the defendant could be given a reasonable opportunity to consider entering a plea to the state charge.

*Dando v. Yukins*, 461 F.3d 791 (6th Cir. 2006)

Trial counsel was ineffective in failing to request expert funds in order to investigate the defendant's possible duress (battered spouse) defense to charges that she assisted her boyfriend in a string of robberies. The attorney declined to hire the expert because he thought that funds were not available to investigate this type of defense. The defendant's guilty plea was tainted by this ineffective assistance of counsel.

*Satterlee v. Wolfenbarger*, 453 F.3d 362 (6th Cir. 2006)

The defendant gave a proffer to the state court prosecutors pursuant to an agreement that provided that if he were to proceed to trial, what he said could be used to impeach him. His attorney did not explain this to him. After giving the proffer and incriminating himself, he backed out of the deal and proceeded to trial, not realizing that if he testified, his statements could be used against him. The attorney provided ineffective assistance of counsel. The court ultimately concluded, however, that the ineffective assistance of counsel was not prejudicial.

*United States v. Herrera*, 412 F.3d 577 (5th Cir. 2005)

The defendant entered a guilty plea, having been advised by his attorney that he could still preserve for appeal his state speedy trial act claim. His advice was erroneous. This amounted to ineffective assistance of counsel. The Sixth Circuit remanded the case to the district court to evaluate the merits of the defendant's speedy trial act claim, in order to determine whether he was prejudiced by the attorney's ineffectiveness.

*United States v. Couto*, 311 F.3d 179 (2d Cir. 2002)

Trial counsel affirmatively misled the defendant into believing there were things that could be done to avoid deportation (when, in fact, there were none). This affirmative misrepresentation is different than a failure to advise the defendant of collateral consequences of a plea.

*Smith v. United States*, 348 F.3d 545 (6th Cir. 2004)

In ruling on a plea withdrawal motion, courts consider whether the defendant “has raised a significant question about the voluntariness of the original plea.” *United States v. Schmidt*, 373 F.3d 100, 103 (2d Cir. 2004). They may also consider:

(1) whether the defendant has asserted his or her legal innocence in the motion to withdraw the guilty plea; (2) the amount of time that has elapsed between the plea and the motion (the longer the elapsed time, the less likely withdrawal would be fair and just); and (3) whether the government would be prejudiced by a withdrawal of the plea.

In federal habeas case-law, the United States Supreme Court has suggested that imprisonment or execution of an innocent prisoner could violate the U.S. Constitution but has never clarified the standard a prisoner would have to meet to successfully assert such a claim. *Herrera v. Collins*, 506 U.S.390, 418-19, 427-29 (1993); see also *id.* at 430-46 (Blackmun, J. dissenting); *McQuiggin v. Perkins*, 569U.S.383, 392 (2013); *House v. Bell*, 547 U.S.518, 554-55 (2006). Still, actual innocence can serve as a defense to otherwise applicable procedural defaults such as successive petitions or petitions that assert claims that could have been asserted previously in the litigation. *McQuiggin* at 392-93.

Actual innocence and ineffective counsel both play a vital role in withdrawing Petitioner’s guilty plea entered on November 15, 2019.

Brian’s plea of guilty that was entered on 11/15/2019 by withdrawing his appeal was caused by a mixture of bad advice, lack of investigative work, Brian not being given access to all discovery material by any of the court appointed lawyers including Scott Albrecht, failure to ask the state to pay for any expert witnesses such as Medical Doctors and Autism experts, failure to ask for any witnesses at all

and failure to draft a witness and exhibit list, the difference of opinions by different lawyers but almost all lawyers told Brian to withdraw his appeal due to his wrongful federal conviction, and failure to attempt to dismiss the criminal case on the basis of Brian's legal innocence due to no obscenity.

Brian was not obscene, Brian did not have a prurient interest in sex, Brian never engaged in masturbatory behavior in public, Brian was just naked on the Dick and Willie passage hiking trail at night. The nude photos taken of Brian were between 12:29AM and 1:01AM, and were taken miles away from the location where 911 was called. The photos were taken but were not shared with anybody except being voluntarily turned over by Brian to Martinsville Police Department. The photos may or may not be relevant to the issue of obscenity as Brian was arrested out of a 911 phone call that came from Hooker Street which was miles away from Greene Co. Inc., the area where the photos were actually taken, around that area. The photos from the camera are considered private/personal and were not being given to the public to look over. It was the Commonwealth Attorney at the General District Court that flashed the nude photos (possibly 8 by 10 size) of Brian around like it was a television show, so that the audience (*there were many people in the courtroom that day*) could see a glimpse of Brian's naked body in the photos. The Commonwealth Attorney also had made fun of Brian and his Autism Spectrum Disorder, like a bully. Brian didn't spread the photos in that camera around to anybody, but it was the Commonwealth that is having Brian's nude photos looked at and being scrutinized by many people not involved with the case if they saw the photos presented by the Commonwealth Attorney on December 21, 2018.

Along with the unfair prejudice of Brian's federal "child pornography" conviction being shared with the jury despite Brian challenging it on grounds of actual innocence and fraud upon the court, the nude photos of Brian would be reviewed over by all members of the jury. Some might feel offended; some might spread rumors throughout the city. A potential juror could be one of Brian's neighbors or a store clerk of a store that Brian visits to buy something or goes grocery shopping. Having total strangers in the jury pool viewing the nude photos of Brian may cause word to be spread throughout Martinsville that Brian David Hill is some kind of pervert or terrible person without understanding or knowing the circumstances of what all had happened. The cards were stacked against Brian and the attorneys did nothing to really mitigate the issues of Brian's legal innocence and the fact that Brian wasn't even being obscene. Despite Brian's legal innocence, Brian was facing a jury that would be predetermined that Brian was a predator and a pervert alone by hearing of Brian's federal conviction. They would already determine that Brian was automatically being obscene over his past charge. It makes Brian look bad.

Counsel failed to ask the bench to dismiss his case and prevent the whole prejudiced jury trial with simply proving Brian's legal innocence. Counsel failed to ask the state to pay for an expert witness to explain Brian's abnormal but not illegal behavior. It is clear that Brian will not repeat the act of public nudity at night, and Brian will never do that at any time. Brian's behavior was something that should not happen, but it was clearly not illegal and without criminal intent.

Wherefore, Brian asks this Court to consider withdrawing Brian's guilty plea when considering his legal innocence claim. Legal innocence cannot be fully recognized without withdrawing his invalid guilty plea. Brian David Hill is legally innocent of indecent exposure under well-established Virginia case law from Virginia Courts

of Appeal. His guilty plea holds no merit and should be withdrawn and his legal innocence recognized by this Honorable Court.

**PROSECUTORIAL MISCONDUCT BY  
VIOLATING STATE BAR RULE 3.8**

The Commonwealth Attorney of Martinsville who prosecuted Brian David Hill for the charge of indecent exposure had committed prosecutorial misconduct by violating V.A. State Bar Rule 3.8 and then aggravated this violation by requesting a jury trial knowing of Brian's wrongful federal conviction of "possession of child pornography". The Commonwealth Attorney intends to paint Brian David Hill as a pervert, despite arguing in General District Court that Brian was not charged with obscenity on December 21, 2018. They intend to falsely paint Brian as being obscene by contaminating Brian's state charge with the federal conviction in 2014 knowing that checking the Docket Sheet and researching into the federal case would reveal that Brian's case is being challenged by a 2255 Motion and on issues of fraud upon the court. The Commonwealth Attorney refuses to accept Brian's legal innocence, refuses to accept the precedential case law of Brian David Hill being legally innocent as a matter of law. They are doing everything they can, knowing that Brian is on Federal Probation conditions, to convict Brian of indecent exposure by tainting the jury pool with prejudice and hate. The facts are that Brian was not being obscene. Brian should not have been forced into a situation where he pleads guilty by withdrawing his appeal in Circuit Court.

It is the GOVERNMENT'S RESPONSIBILITY, to ensure that they are not convicting innocent people and people that are aware of or were made aware of that are legally innocent of their charge(s). Government counsel isn't supposed to be just an advocate for the Government and an advocate for law enforcement.



Government counsel is supposed to dismiss charges against those who are legally innocent. If evidence or case law arises showing that a criminal defendant who they had charged is legally innocent, then the Commonwealth Attorney should move to dismiss the charge or acquit the convicted defendant to comply with State Bar Rule 3.8 and Rule 3.8 of the American Bar Association Model Rules of Professional Conduct.

*“[1] A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence.”*

The Commonwealth Attorney Andrew Hall had violated Rule 3.8 and should be disciplined if he does not move to acquit Brian David Hill of his charge of indecent exposure.

### **OTHER MATERIALS IN SUPPORT OF PETITIONER’S WRIT OF HABEAS CORPUS**

There are other materials which are also in support of this Petition and Brief / Memorandum of law for Writ of Habeas Corpus.

Read **Exhibit 13**: “Brian David Hill's grandmother's notes are in bold and underlined from the transcript on 9-12-2019: from Stella Forinash”. Has information helpful to this Court.

See **Exhibit 14** for proof photographs of house damage in Apartment 2 caused by possible Carbon Monoxide Gas.

See **Exhibit 15** of Exhibit 1 — Document #181, Attachment #2, Statement from Chimney Expert Pete Compton filed on federal court record. It is evidence of carbon monoxide gas in Apartment 2 prior to Brian’s arrest for indecent exposure.

See **Exhibit 16**: Exhibit 0 — Document #181, Attachment #1, Letter to Martinsville Police Chief – 13 pages

See **Exhibit 17**: Cumulative Autism/OCD/diabetes/etc. evidence 1. Autism and the brain; 2. Autism placard and identification card; 3. Copy of Page 2 of DMV form; 4. Autism and Wandering Prevention Tips; 5. Autism Awareness; 6. Symptoms Evidence in autism; 7. Symptoms and signs of carbon monoxide poisoning; 8. 2-page Autism Wandering / Elopement from National Autism Association; 9. Brittle diabetes page; 10. Signs of hyperglycemia; 11. Information page on “A diabetic seizure...”; 12. Facts about Obsessive Compulsive disorder; 13. Symptoms of Generalized Anxiety Disorder

All evidence from Exhibits 13-17 is additional evidence in support of Petitioner’s claims of ineffective counsel, actual innocence, and possibly other grounds.

### **EXHIBIT LIST**

Exhibit 1: Document #200, court order: “JUDGMENT ON REVOCATION OF PROBATION/SUPERVISED RELEASE. The Defendant's supervised release is revoked. Nine (9) months imprisonment. Nine (9) years supervised release is re-imposed under the same terms and conditions as previously imposed.” – 2 Pages but pages 3 to 16 were omitted in this Exhibit.

Exhibit 2: The legal costs billed to Brian David Hill as a result of Petitioner Brian David Hill withdrawing his appeal. – 2 Pages

Exhibit 3: A map introduced by federal prosecutor, Assistant United States Attorney Anand Prakash Ramaswamy allegedly of where the photos were taken by Brian David Hill. – 2 pages

Exhibit 4: Article from the National Human Genome Research Institute (genome.gov) on Autism Spectrum Disorder. Government source. – 8 pages

Exhibit 5: Autism TEACCH papers. – 6 pages

Exhibit 6: IACC Subcommittee Diagnostic Criteria - DSM-5 Planning Group - . Government source. – 2 pages

Exhibit 7: A true and correct copy of Exhibit 9 — Document #181, Attachment #10, detailing a Piedmont Community Services report from Dr. Conrad Daum – 7 pages

Exhibit 8: A true and correct copy of the FAXED Motion to Withdraw Appeal. – 12 pages

Exhibit 9: Petition for Warrant or Summons for Offender Under Supervision, federal probation violation petition for arrest based upon the state charge and state case against Brian David Hill. Document #157 in Brian's federal criminal case. – 2 pages

Exhibit 10: Federal Order setting conditions for release (Bond) – 3 pages

Exhibit 11: Federal Appearance Bond – 2 pages

Exhibit 12: USPS tracking page on certified mail tracking number of envelope mailed to Martinsville Police Chief – 2 pages

Exhibit 13: Brian David Hill's grandmother's notes are in bold and underlined from the transcript on 9-12-2019: from Stella Forinash – 17 pages

Exhibit 14: Photographs of house damage in Apartment 2 caused by possible Carbon Monoxide Gas. – 12 pages

Exhibit 15: Exhibit 1 — Document #181, Attachment #2, Statement from Chimney Expert Pete Compton filed on federal court record. – 2 pages

Exhibit 16: Exhibit 0 — Document #181, Attachment #1, Letter to Martinsville Police Chief – 13 pages

Exhibit 17: Cumulative Autism/OCD/diabetes/etc. evidence 1. Autism and the brain; 2. Autism placard and identification card; 3. Copy of Page 2 of DMV form; 4. Autism and Wandering Prevention Tips; 5. Autism Awareness; 6. Symptoms Evidence in autism; 7. Symptoms and signs of carbon monoxide poisoning; 8. 2-page Autism Wandering / Elopement from National Autism Association; 9. Brittle diabetes page; 10. Signs of hyperglycemia; 11. Information page on “A diabetic seizure...”; 12. Facts about Obsessive Compulsive disorder; 13. Symptoms of Generalized Anxiety Disorder – 14 pages

Any federal court records used in exhibits or cited in this Petition for Writ of Habeas Corpus and it’s supporting brief thereto, is admissible under V.A. Code § 8.01-389.

*“§ 8.01-389. Judicial records as evidence; full faith and credit; recitals in deeds, deeds of trust, and mortgages; "records" defined; certification.”*

*“A. The records of any judicial proceeding and any other official records of any court of this Commonwealth shall be received as prima facie evidence provided that such records are certified by the clerk of the court where preserved to be a true record. For the purposes of this section, judicial proceeding shall include the review of a petition and issuance of a temporary detention order under § 16.1-340.1 or 37.2-809.”*

*“A1. The records of any judicial proceeding and any other official record of any court of another state or country, or of the United States, shall be received as prima facie evidence provided that such records are certified by the clerk of the court where preserved to be a true record.”*

*“D. "Records" as used in this article, shall be deemed to include any memorandum, report, paper, data compilation, or other record in any form, or any combination thereof.”*

*“E. The use of the term "copy teste," "true copy," or "certified copy" or a substantially similar term on a certification affixed or annexed to a copy of an official record maintained by a clerk of court that bears the signature of the clerk or any deputy clerk, and that has the name of the court where such record is preserved on the document or on the certification, shall be prima facie proof that such record is certified by such clerk to be a true copy of the official record kept in the office of the clerk. Nothing herein shall be construed to require or prevent a clerk from using an official seal or prevent a clerk from using any other acceptable method of certification for a court record.”*

Respectfully submitted,

Brian D. Hill  
*Signed*                      Signed

Petitioner

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

I stand with QANON – Drain the Swamp

I ask Qanon for Assistance (S.O.S.)  
JusticeForUSWGO.wordpress.com  
Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been delivered by hand to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 18, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE OF COMMONWEALTH ATTORNEY

I hereby certify that on this the 18th day of November, 2019, a true copy of the foregoing application, brief / memorandum, and exhibits was served by hand to the Respondent(s) which is the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Respondent of the party: Commonwealth of Virginia, Fax: 276-403-5478. This shall serve as compliance to Rule 5:7(a)(3) of the Rules of the Supreme Court of Virginia.

Petitioner

Brian D. Hill  
*Signed* Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

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CERTIFICATE OF SERVICE OF ATTORNEY GENERAL

I hereby certify that on this the 18th day of November, 2019, a true copy of the foregoing application, brief / memorandum, and exhibits was served by certified mailing (postage prepaid) to the Respondent(s) which is the office of the Attorney General, at 202 North Ninth Street, Richmond, Virginia 23219, counsel for Respondent of the party: Attorney General of Virginia. This shall serve as compliance to Rule 5:7(a)(3) of the Rules of the Supreme Court of Virginia.

Petitioner

Brian D. Hill

*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505



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**AFFIDAVIT IN FORMA PAUPERIS**

COMMONWEALTH/STATE OF VIRGINIA

CITY/COUNTY OF Martinsville / Henry

The petitioner being duly sworn, says:

- 1. He is unable to pay the costs of this action or give security therefor;
- 2. His assets amount to a total of \$ 771 .....

Brian D. Hill .....

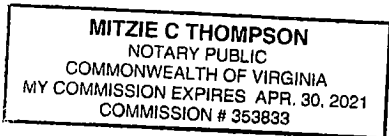
Signed  
Signature of Petitioner

Subscribed and sworn to before me

this 18 day of November, 2019,

Mitzie C. Thompson  
Notary Public

My commission expires: 4-30-21



Petitioner

Brian D. Hill  
Signed

Signed  
Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

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=====

MARTINSVILLE  
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 MARTINSVILLE, VA 24112-9998  
 515652-0362  
 (800)275-8777  
 11/18/2019 03:29 PM

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Product	Qty	Unit Price	Price
PM 2-Day Flat Rate Env (Domestic) (RICHMOND, VA 23219) (Flat Rate) (Expected Delivery Day) (Wednesday 11/20/2019)	1	\$7.35	\$7.35
Certified (USPS Certified Mail #) (70191120000147514610)			\$3.50
<b>Total:</b>			<b>\$10.85</b>

Cash \$20.00  
 Change (\$9.15)

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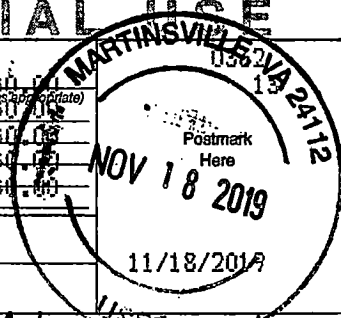
Adult Signature Restricted Delivery \$0.00

Postage \$7.35

Total Postage and Fees \$10.85

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 Street and Apt. No., or PO Box No. *202 North Ninth Street*  
 City, State, ZIP+4® *Richmond, VA 23219*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



**ACKNOWLEDGEMENT OF RECEIPT**

**CERTIFICATE OF SERVICE**

I Nancy Sherna, who works at the Commonwealth Attorney's Office at 55 West Church Street, Martinsville, Virginia 24112 on the date of November 18, 2019, acknowledge receipt of a true and correct copy of:

1. Petition for Writ of Habeas Corpus
2. BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS
3. All 17 Exhibits attached to Brief

Petitioner

Brian D. Hill  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

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VALIDATE CASE PAPERS  
RCPT : 19000005319  
DATE : 11/18/2019 TIME: 16:17  
CASE : 690CL19000331-00  
ACCT : HILL, BRIAN DAVID  
AMT. : \$37.00

# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"



of the Bureau of Prisons for imprisonment for a period of nine (9) months.

IT IS FURTHER ORDERED that supervised release of nine (9) years is re-imposed under the same terms and conditions as previously imposed.

The Defendant shall surrender to the United States Marshal for the Middle District of North Carolina or to the institution designated by the Bureau of Prisons by 12:00 p.m. on December 6, 2019.



United States District Judge

October 4, 2019.

# Exhibit 2

USWGO  
QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"

In the Circuit Court for the  City  County of MARTINSVILLE  
 COMMONWEALTH OF VIRGINIA  
 CITY  COUNTY OF MARTINSVILLE v. BRIAN DAVID HILL  
DEFENDANT

SSN: [REDACTED]-0319 UNKNOWN DRIVER'S LICENSE NUMBER DRIVER'S LICENSE STATE  
310 FOREST ST, APT 1, MARTINSVILLE, VA 24112  
RESIDENCE ADDRESS  
MAILING ADDRESS IF DIFFERENT FROM ABOVE

TELEPHONE NUMBER

**I. ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE**

I acknowledge that I have been notified that my driver's license/driving privilege:  
 is suspended or revoked for a period of \_\_\_\_\_ effective \_\_\_\_\_ as a result of  
 my conviction by this Court.  
 action taken by the Virginia Department of Motor Vehicles pursuant to Va. Code § 46.2-390.1 for the Court's conviction or finding of facts sufficient to convict me of violating the drug laws (Va. Code §§ 18.2-247 through 18.2-264) of this Commonwealth.  
 Declaration by the Virginia Department of Motor Vehicles  Adjudication by \_\_\_\_\_ Court that I am a habitual offender.

I acknowledge that I owe fines, costs, forfeiture, restitution and/or penalty of \$ 1,222.45 plus any additional court-appointed attorney fee, if applicable.

I further certify that on this date this notice was read, understood by me, and I received a copy of the same, and that my driver's license

WAS  WAS NOT surrendered to this Court. Reason not surrendered: \_\_\_\_\_  
November 15, 2019 (x) Brian D. Hill  
DATE DEFENDANT

State/Commonwealth of:  Virginia  \_\_\_\_\_  
County/City of Martinsville

Acknowledged before me this day by Brian David Hill  
PRINT NAME OF SIGNATORY

November 15, 2019  
DATE  
Jerrisa C. Coon  
 JUDGE  CLERK  NOTARY PUBLIC  
Notary Registration No. \_\_\_\_\_ My commission expires: \_\_\_\_\_

READ PART I ON THE BACK OF THIS FORM FOR MORE STIPULATIONS, WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ACKNOWLEDGMENT.

**II. ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS**  
SEE PART II ON THE BACK OF THIS FORM FOR FURTHER STIPULATIONS, WARNINGS AND INFORMATION CONCERNING THIS NOTICE AND ORDER, WHICH ARE HEREBY INCORPORATED BY REFERENCE.

Upon due consideration, the Defendant's Petition for deferred or installment payments is accordingly ACCEPTED, and the Defendant is ORDERED to pay costs, fines, forfeiture, and penalty totaling \$ 1,222.45, plus restitution totaling \$ \_\_\_\_\_ plus any additional court-appointed attorney fee, court reporter fee, and interest, if applicable, by:

making 4 installment payments of \$ 300.00 per 6MONTH beginning 05/15/2020 until paid in full; or  
 making a deferred payment in full on or before 12/02/2019

Restitution payments are to be paid in accordance with the court's ORDER FOR RESTITUTION previously entered.  
If Deferred payment is not received by the above due date, or if the final Installment payment is not received by \_\_\_\_\_ the defendant is hereby given NOTICE to return to this Court on \_\_\_\_\_ at \_\_\_\_\_  
The total listed above does not include transcript costs and any costs/damages that may be charged if you appeal from this court.

NOTICE: READ PART II ON THE BACK OF THIS FORM FOR MORE STIPULATIONS WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ORDER AND NOTICE.

Entered this 15TH day of NOVEMBER, 2019

I have asked for and received a copy of this Order and Notice.  
(x) Brian D. Hill Jerrisa C. Coon  
DEFENDANT CLERK

## PART I

I understand that if I provide for payment of a fine or other monies due by a method other than cash and my payment fails, the Clerk will send me a written notice of my failure of payment. A penalty of \$50.00 or 10 percent of the amount of the payment, whichever is greater, may be charged if the method of payment fails.

I further understand that, if I am convicted of driving while my driver's license is suspended or revoked, I may be fined, sentenced to jail, or both.

I understand that upon suspension or revocation of my license, I may not operate a motor vehicle in the Commonwealth of Virginia until:

- (1) All periods of suspension imposed by any Court or the Department of Motor Vehicles have expired, AND
- (2) The Department of Motor Vehicles reinstates my license (if suspended) or issues a new license (if revoked) after:
  - (a) I have paid the reinstatement fee (if any) to the Department of Motor Vehicles, AND
  - (b) I have met all other administrative requirements of the Department of Motor Vehicles.

## PART II

I understand that if the Court has ordered deferred or installment payments, or community service to pay all or part of the fines and costs, I must make all required payments or perform all community service on time.

I understand that:

- (1) as a condition of this agreement, I must promptly inform the Court of any change of my mailing address during the term of the agreement;
- (2) if the fines, costs, forfeiture, restitution, and/or penalty are not paid in full by the date ordered, that the Court shall proceed according to the provisions of Va. Code § 19.2-358, which state that a show cause summons or capias for my arrest may be issued;
- (3) the amount(s) listed in this agreement may be administratively amended by the Clerk of this Court in the event additional costs should be assessed and if additional costs are assessed, that the Clerk will forthwith issue a notice to me of the total amount due by first class mail to my address of record;
- (4) the Court or Clerk thereof may adjust the final payment date administratively, without further notice, for installment payment agreements, if I fail to make a scheduled payment or for deferred payments, if I fail to pay in full by the date ordered, for the purposes of referring the account for action pursuant to Va. Code § 19.2-358.

I further understand that if the Court does not receive payments as ordered, my case will be referred for collection enforcement action under §§ 19.2-349, 19.2-353.5, 19.2-358, or 58.1-520 through 58.1-534 of the Code of Virginia. If my case is referred for collection enforcement action under § 19.2-349, the amount that I owe and that can be collected will be increased to reflect the additional costs associated with collection action. If any part of the amount due remains unpaid, pursuant to § 19.2-358, I may be subject to a jail sentence of up to 60 days or an additional fine of up to \$500.00.

Pursuant to Va. Code § 19.2-353.5, if interest on outstanding fines and costs owed to this court accrued during a period when I was incarcerated, I may request that the interest that accrued when I was incarcerated be waived by this Court.

This Order and Notice is provided to the Defendant pursuant to Va. Code § 19.2-354. This Order shall not be spread on the Order Book of this Court.



# Exhibit 3

USWGO  
QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"

# Exhibit 2

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN



UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

Exhibit in attachment to "PETITIONER'S SECOND MOTION FOR SANCTIONS AND TO VACATE JUDGMENT THAT WAS IN PLAINTIFF'S/RESPONDENT'S FAVOR -- MOTION AND BRIEF / MEMORANDUM OF LAW IN SUPPORT OF REQUESTING THE HONORABLE COURT IN THIS CASE VACATE FRAUDULENT BEGOTTEN JUDGMENT OR JUDGMENTS"

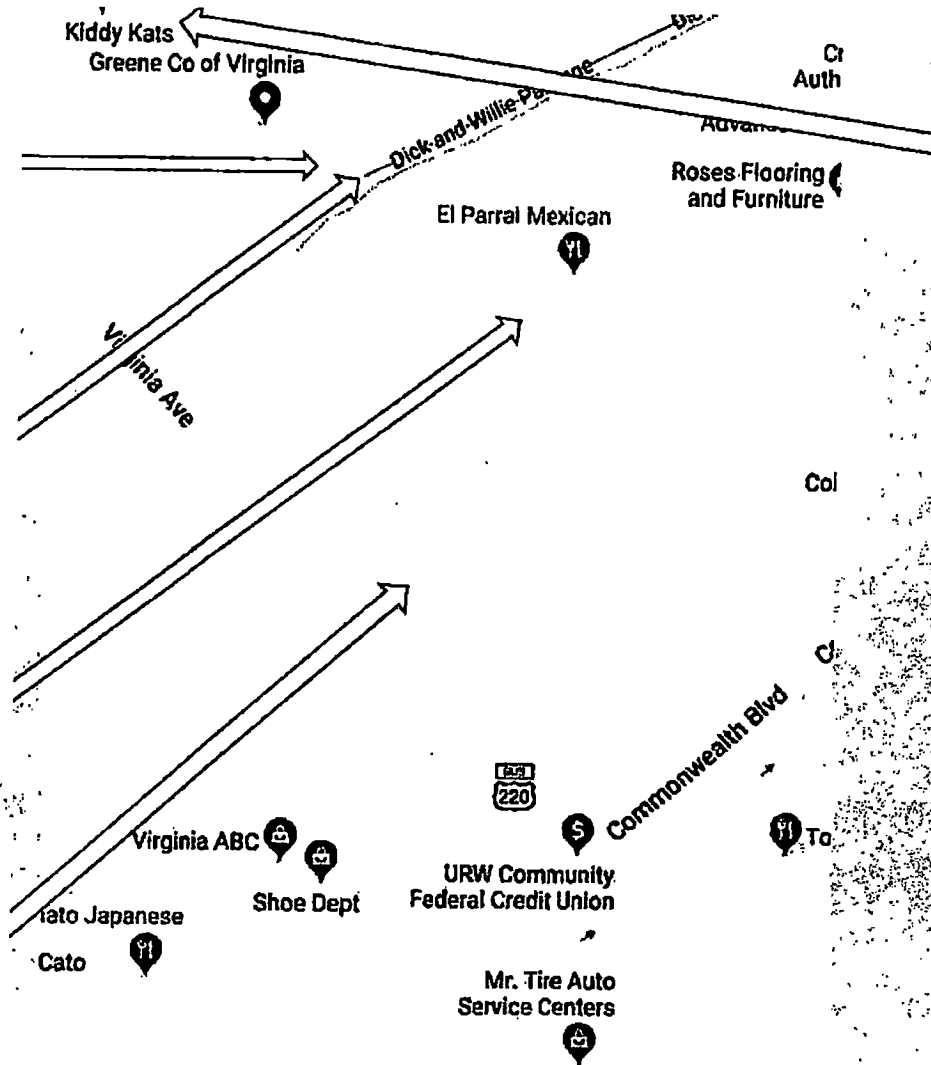
1. Photos SANYO01-2, 094-101, starting at 12:29 a.m.

2. Photos SANYO103-109, 110-114, starting at 12:36 a.m.

3. Photos SANYO115-20, starting at 12:51 a.m.

4. Photos SANYO121-122, starting at 1:01 a.m.

5. Photos SANYO123-126, starting at 1:08 a.m., ending at 1:20 a.m.



# Exhibit 4

USWGO  
QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to “BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS”



National Human Genome  
Research Institute

## About Autism

Autism represents a broad group of developmental disorders characterized by impaired social interactions, problems with verbal and nonverbal communication, and repetitive behaviors or severely limited activities and interests.

### What is autism?

Autism - or more precisely the autism spectrum disorders (ASDs) - represent a broad group of developmental disorders characterized by impaired social interactions, problems with verbal and nonverbal communication, and repetitive behaviors or severely limited activities and interests.

The ASDs include a variety of medical autism diagnoses, which vary in the severity of the individual symptoms and include autistic disorder (sometimes called classical autism), Asperger's syndrome and a general diagnostic category called Pervasive Developmental Disorders (PDD).

Autism has become the most commonly diagnosed childhood developmental disorder. According to the Centers for Disease Control Prevention in 2007, autism spectrum disorders now affect 1 in every 150 children in the United States. Statistics from the U.S. Department of Education and other government agencies indicate that autism diagnoses are increasing at the rate of 10 to 17 percent per year.

Autism can affect any individual and is not based on ethnic, racial or social background. The incidence of autism is the same all around the world. It is four times more common in boys than in girls.

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## **What are the symptoms of autism?**

Autism usually develops before 3 years of age and affects each individual differently and to varying degrees. It ranges in severity from relatively mild social and communicative impairments to a severe disability requiring lifelong parental, school and societal support.

The hallmark symptom of autism is impaired social interaction. Children with autism may fail to respond to their name and often avoid eye contact with other people. They have difficulty interpreting what others are thinking or feeling because they don't understand social cues provided by tone of voice or facial expressions and they don't watch other people's faces to pick up on these cues.

Many children with autism engage in repetitive movements such as rocking, spinning, twirling or jumping, or in self-abusive behavior such as hand biting or head-banging.

Of children being diagnosed now with an autism spectrum disorder, about half will have intellectual disabilities defined by nonverbal IQ testing, and 25 percent will also develop seizures. Though most children show signs of autism in the first year of life, about 30 percent will seem fine and then regress in both their language and social interactions at around 18 months of age.

About 30 percent of children with autism have physical signs of some alteration in early development such as physical features that differ from their parents (sometimes called dysmorphic features), small head size (microcephaly) or structural brain malformations.

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About 30 percent of children with autism have physical signs of some alteration in early development such as physical features that differ from their parents (sometimes called dysmorphic features), small head size (microcephaly) or structural brain malformations.

## **How is autism diagnosed?**

Diagnosis of autism is based on standardized testing plus a clinical evaluation by an autism specialist. These professionals are usually psychologists, psychiatrists, developmental pediatricians, pediatric neurologists or medical geneticists.

The diagnosis of autism is made when there are a specific number of symptoms as defined by the Diagnostic and Standard Manual of Mental Disorders (DSM-5, published in 2013). Some commonly used diagnostic tests are the CARS (Childhood Autism Rating Scale), the ABC (Autism Behavior Checklist) and the GARS (Gilliam Autism Rating Scale). Formal diagnosis by an autism specialist usually depends on completing the ADOS (Autism Diagnostic Observation Scale), and ADI-R (Autism Diagnostic Interview-Revised). The CHAT (Checklist for Autism in Toddlers) is often used in pediatrician's offices to screen for autism symptoms.

When physical features, small head size or brain malformations are present or there is a family history of relatives with autism, genetic testing such as chromosome analysis and single-gene testing is done.

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## **What is the treatment for autism?**

There is currently no cure for autism. However, autism can be managed and shaped at a young age, even as early as pre-school. Early intensive therapy can have a positive effect on development later in life.

Treatment of autism involves medical and behavioral therapies to help children with conversational language and social interactions. Treatment also involves helping children decrease their repetitive, self-stimulatory behaviors, tantrums and self-injurious behavior.

Medications can help treat specific symptoms such as aggressive or self-injurious behavior, inattention, poor sleep and repetitive behaviors. However, no medications are autism specific and medications should be used in conjunction with a family-centered, behavioral and educational program.



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## **Is autism inherited?**

Scientists are not certain what causes autism, but it's likely that both genetics and environment play a role.

The causes of autism may be divided into 'idiopathic', (of unknown cause) which is the majority of cases, and 'secondary,' in which a chromosome abnormality, single-gene disorder or environmental agent can be identified. Approximately 15 percent of individuals with autism can be diagnosed with secondary autism; the remaining 85 percent have idiopathic autism.

Exposure during pregnancy to rubella (German measles), valproic acid, and thalidomide, are recognized causes of secondary autism; however, it remains unclear whether those who develop autism after such an exposure are also genetically predisposed.

The search for new environmental causes of secondary autism has centered primarily on childhood immunizations given around the time that regressive-onset autism is recognized. Both childhood immunizations and mercury in thimerosal, which was used as a preservative in some routine immunizations until 2001, have both been under scrutiny; however, no scientific evidence for a relationship between vaccines and autism has been identified.

Researchers have identified a number of genes associated with autism. Studies of people with autism have found irregularities in several regions of the brain. Other studies suggest that people with autism have abnormal levels of serotonin or other neurotransmitters in the brain. These abnormalities indicate that autism usually results from the disruption of normal brain development early in fetal development caused by defects in genes that control brain growth and that regulate how neurons communicate with each other. These are preliminary findings and require further study.

The risk that a brother or sister of an individual who has idiopathic autism will also develop autism is around 4 percent, plus an additional 4 to 6 percent risk for a milder condition that includes language, social or behavioral symptoms. Brothers have a higher risk (about 7 percent) of developing autism, plus the additional 7 percent risk of milder autism spectrum symptoms, over sisters whose risk is only about 1 to 2 percent.

When the cause of autism is a chromosome abnormality or a single-gene alteration, the risk that other brothers and sisters will also have autism depends on the specific genetic cause.

Additional Resources for Autism

[National Institute of Neurological Disorders and Stroke](#)

[National Institute of Mental Health](#)

[Eunice Kennedy Shriver National Institute of Child Health and Human Development](#)

[MedlinePlus](#)

[Autism Society](#)

[Autism Speaks](#)

[Autism Research Institute](#)

[Genetic and Rare Disease Information Center](#)

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- [Genetic and Rare Disease Information Center](#)

# Exhibit 5

USWGO  
QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"

DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC  
AND RELATED COMMUNICATION HANDICAPPED CHILDREN

Department of Psychiatry  
University of North Carolina

D I A G N O S T I C E V A L U A T I O N

Patient: Brian Hill  
Chart #: 60373

D.O.B. [REDACTED]

Center: High Point, NC  
Date: 10-19-94

Staff: Marquita Fair, Child Therapist  
Allison Butwinski, Parent Consultant  
Dr. Roger D. Cox, Licensed Practicing Psychologist and  
Clinical Director

TESTS ADMINISTERED:

Psychoeducational Profile-Revised (PEP-R)  
Vineland Adaptive Behavior Scale

REFERRAL INFORMATION:

Child's Name: Brian Hill  
Age: 4 years 5 months  
Address: 133 Mike Lane, Reidsville, NC 27320  
Parents: Roberta Hill  
Current Status: Lives at home with mother and is being served in  
a preschool developmental delayed classroom at Bethany  
Referral Source: Sheila Shelton  
Reason for Referral: Clarification of diagnosis and educational  
planning

DEVELOPMENTAL HISTORY:

Brian was born prematurely weighing 3 pounds, 13 1/2 ounces. He received phototherapy for hyperbilirubinemia and was discharged from the hospital at approximately 2 weeks of age. At 18 months, he was hospitalized for 6 days with the onset of insulin dependent Diabetes Mellitus. He currently is taking NPH insulin and Regular insulin and his diet is regulated according to the American Diabetic Association diet. At 35 months Brian was seen at the Greensboro DEC due to language delays. There were concerns regarding Brian's social relatedness and language development. It was felt that his neurodevelopmental profile may represent a form of a pervasive developmental disorder and a TEACCH referral was recommended.

Currently, Brian uses words and short phrases to express his needs. He exhibits pronoun reversals, immediate and delayed echolalia, and repeats some phrases he has heard over and over. He understands and follows simple routine commands but cannot use or answer "Wh" questions.

Though aware of others, Brian has difficulty interacting with them. He is beginning to show an interest in other children but does not initiate interactions. Brian's favorite activities include stacking blocks and listening to music. He recently has become more aware of his mother when she picks him up from school and sometimes greets her by saying "mommy". Brian occasionally becomes upset when he does not have his way and is prone to small episodes of temper tantrums.

#### FAMILY STATUS:

Brian lives at home with his mother, Roberta Hill in Reidsville. His mother and father are divorced and Brian does not have contact with his father. His maternal grandparents live nearby and he sees them frequently. During the evaluation, Roberta was very friendly and easy to talk to. She offered some very nice information about Brian.

#### EDUCATIONAL PLACEMENT:

Brian is currently being served in a preschool developmental delayed class at Bethany Preschool in Reidsville. Brian's teacher, Sheila Shelton, who attended the evaluation, felt that Brian had made very nice progress since his enrollment. She appeared flexible and willing to develop a program that considers Brian's individual needs.

#### DESCRIPTION OF CHILD:

Brian is a cute 4 year 4 month old boy. He was appropriately dressed in long pants and a long sleeved shirt. He was accompanied to the TEACCH Center by his mother, Roberta Hill.

#### BEHAVIORAL OBSERVATIONS DURING TESTING:

##### Relating, Cooperating, and Human Interest:

Brian, joined by his mother, accompanied the examiner to the testing room. He whimpered as his mother left the room. When offered a toy, Brian immediately settled down and showed a fleeting interest in the toys on a table. At the start of testing, Brian resisted joining the examiner at the work table. When he became upset, his language consisted largely of echolalia. Although he frequently whined when he did not get his way, he never actually cried. Brian's behavior was unpredictable when he attempted to engage in an activity. When materials were presented, Brian perseverated with them, making it difficult for him to relinquish materials when the task was completed. For example, Brian continued to fuss and ask for bubbles and play-doh

even when they were put away. He asked for the bubbles so often that they were eventually used as a reinforcer when he completed tasks.

Brian's attention to test items varied depending on his interest in the task. When he showed an interest in the items presented, he resisted putting them away. For example, Brian enjoyed doing puzzles, matching colors, and copying shapes. When he was instructed to put them away, he whined and said "do again, do again". Once he became familiar with placing the completed tasks in the "finished basket" it was easier for him to continue on to the next task. He showed limited interest in the kaliedoscope and counting which resulted in him placing incomplete tasks in the "finished basket". Brian was distracted by noises heard outside the door and in the observation booth, which made it difficult to redirect him back to tasks.

Brian was always aware of the examiner's presence. Eye contact was frequent and usually brief. He initiated social interaction by requesting the examiner to join him at the mini-trampoline and holding his hand. Brian appropriately asked for help and used gestures. He often asked for a "tissue please", returning the tissue to the examiner for disposal. He enjoyed being tickled, and although he did not ask for this activity to continue, he backed into the examiner with his arms stretched out as if to indicate that he wanted more.

#### Sensory Behavior:

Brian usually responded to his name by repeating it. He did not look at the examiner. He appropriately responded to various noisemakers. No unusual interests in taste or textures were noted during testing.

#### Play and Interest in Materials:

Although Brian often resisted sitting at the work table, he was able to focus on materials when they were presented. He was usually creative in how he used many of the materials. For example, when he used blocks, he made a three dimensional design twice and called them "pyramids". Another time he used the blocks to build "towers". As he identified letters, he told the examiner what each letter stood for; "G for goose", "A for apple", and "Y for yarn". When he used the scissors, he cut out shapes (rectangle and square) and identified them. Brian had his own agenda for completing the tasks. He became upset whenever the examiner suggested that he attempt a task differently.

Brian was most cooperative with tasks that involved writing, copying, matching, and coloring. He anxiously wrote his first and last name several times although not in sequential order. Brian copied shapes, focusing his attention on the examples presented when he was not sure how to draw a shape (triangle and diamond). Brian showed little interest in playing with puppets and pantomiming object use.

During free play, Brian chose to jump on the mini-trampoline, play with a toy motorcycle with a man on it, and walk up and down the



wooden steps. When he realized the steps could be turned over to be a rocking boat, he asked for help to turn it over so he could use it alternately as steps and a boat. Several times, he stood near the door and asked for his mother. However, he was easily redirected back to a play activity.

Competence Motivation:

Brian quickly understood the routine of placing finished materials in the "finished basket" to his right. He often returned to the table if he forgot to put his completed tasks in the "finished basket". Organizing three tasks at a time on a table on Brian's left helped him understand how much work he had to do before he could leave the table to go play.

Brian often expressed pleasure with himself by smiling at the examiner and frequently saying "good job". Verbal praise from the examiner was also motivating to Brian.

Language:

Brian used language and gestures to communicate. At the start of testing, Brian's language consisted mostly of delayed and immediate echolalia. At times, his language was difficult to understand. He often commented during testing, but seldom directing his comments to the examiner. Brian asked questions such as, "can I blow?", "can I do bell again?", and "is this a birthday cake"? However, Brian had much more difficulty answering questions.

RESULTS AND SUMMARY OF THE PEP-R:

The Psychoeducational Profile-Revised (PEP-R) is a developmental test designed specifically for autistic and communication handicapped children. The child's performance is scored in several different function areas, and totalled to provide an overall developmental age score. Brian's overall score was 101, which resulted in an age equivalent of approximately 3 years 9 months.

On the PEP-R, Brian scored as follows:

<u>Function Area</u>	<u>Age Level</u>
Imitation	4 yrs. 6 mos.
Perception	4 yrs. 1 mo.
Fine Motor	3 yrs. 3 mos.
Gross Motor	3 yrs. 1 mo.
Eye Hand Integration	4 yrs. 7 mos.
Cognitive Performance	3 yrs. 3 mos.
Cognitive Verbal	3 yrs. 9 mos.
Developmental Score	3 yrs. 9 mos

When assessed with the PEP-R, Brian's test scores indicated relative weaknesses in the motor area and relative strengths in eye-hand integration.

Brian was able to receptively and expressively identify pictures in a language book, demonstrate the function of objects, sort cards, identify numbers, and sort objects. He had several emerging abilities, including identifying objects by touch, drawing a person, and copying a diamond.

DIAGNOSIS:

Autism - mild range

INTERPRETIVE CONFERENCE SUMMARY:

Attending Brian's interpretive conference were his mother, Roberta Hill, his preschool teacher, Sheila Shelton, and TEACCH staff, Allison Butwinski and Dr. Roger Cox. Results of the test administered were shared indicating Brian has many of the characteristics of mild autism. It is felt that Brian would benefit from a classroom with a small teacher to student ratio, individualized instruction, and autistic interventions.

RECOMMENDATIONS:

1. Brian would benefit from placement in a classroom with a small teacher to student ratio. The classroom environment should be free of distractions. A specific work area should be set up for Brian with a desk and boundaries to minimize distractions.
2. The classroom teacher should be experienced in autism, and have knowledge of structured teaching techniques. A three day training is being offered November 28-30 at the Gateway Education Center in Greensboro. The purpose of this training is to teach strategies that are typically successful in working with and teaching new skills to children with autism.
3. Brian should receive one-on-one teaching sessions 2-3 times a day to develop new skills. A teacher should sit across from Brian and present materials using the routine of working from left to right. Brian will place completed work to his right in a "finished basket". This will help him understand that what he has to do is in a basket to his left, how much work he has to do by the number of baskets with work in them, and he is finished when all the baskets are gone. He should be allowed breaks away from the table between tasks. It is important that Brian understand the contingency of working first and then receiving a break.
4. Brian's IEP should reflect the acknowledgement that he is a child diagnosed with autism. Specific strategies and teaching methods recommended by TEACCH should be addressed.

5. Brian's teacher for next year should be identified as early as possible in order that a request to attend TEACCH summer training for next year can be submitted.

Margueta Fair  
Margueta Fair, Child Therapist

Allison Butwinski  
Allison Butwinski, Parent Consultant

Roger D. Cox, Ph.D.  
Roger D. Cox, Ph.D.  
Licensed Practicing Psychologist

# Exhibit 6

USWGO  
QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
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U.S. Department of Health & Human Services

IACC Home > About IACC > Subcommittees > DSM-5 Diagnostic Criteria

## DSM-5 Diagnostic Criteria

- Autism Spectrum Disorder
- Social (Pragmatic) Communication Disorder
- Table 2: Severity Levels for Autism Spectrum Disorder

### Autism Spectrum Disorder

#### Diagnostic Criteria 299.00 (F84.0)

- Persistent deficits in social communication and social interaction across multiple contexts, as manifested by the following, currently or by history (examples are illustrative, not exhaustive; see text):
  - Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.
  - Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication.
  - Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or making friends; to absence of interest in peers.

*Specify current severity:*

**Severity is based on social communication impairments and restricted, repetitive patterns of behavior** (see Table 2).

- Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two of the following, currently or by history (examples are illustrative, not exhaustive; see text):
  - Stereotyped or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypies, lining up toys or flipping objects, echolalia, idiosyncratic phrases).
  - Insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take same route or eat same food every day).
  - Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interests).
  - Hyper- or hyporeactivity to sensory input or unusual interest in sensory aspects of the environment (e.g., apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement).

*Specify current severity:*

**Severity is based on social communication impairments and restricted, repetitive patterns of behavior** (see Table 2).

- Symptoms must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life).
- Symptoms cause clinically significant impairment in social, occupational, or other important areas of current functioning.
- These disturbances are not better explained by intellectual disability (intellectual developmental disorder) or global developmental delay. Intellectual disability and autism spectrum disorder frequently co-occur; to make comorbid diagnoses of autism spectrum disorder and intellectual disability, social communication should be below that expected for general developmental level.

Note: Individuals with a well-established DSM-IV diagnosis of autistic disorder, Asperger's disorder, or pervasive developmental disorder not otherwise specified should be given the diagnosis of autism spectrum disorder. Individuals who have marked deficits in social communication, but whose symptoms do not otherwise meet criteria for autism spectrum disorder, should be evaluated for social (pragmatic) communication disorder.

*Specify if:*

**With or without accompanying intellectual impairment**

**With or without accompanying language impairment**

**Associated with a known medical or genetic condition or environmental factor** (Coding note: Use additional code[s] to identify the associated medical or genetic condition.)

**Associated with another neurodevelopmental, mental, or behavioral disorder** (Coding note: Use additional code[s] to identify the

associated neurodevelopmental, mental, or behavioral disorder[s].)

**With catatonia** (refer to the criteria for catatonia associated with another mental disorder, pp. 119-120, for definition) (**Coding note:** Use additional code 293.89 [F06.1] catatonia associated with autism spectrum disorder to indicate the presence of co-morbid catatonia.)

### Social (Pragmatic) Communication Disorder

#### Diagnostic Criteria 315.39 (F80-.89)

- Persistent difficulties in the social use of verbal and nonverbal communication as manifested by all of the following:
  - Deficits in using communication for social purposes, such as greeting and sharing information, in a manner that is appropriate for the social context.
  - Impairment of the ability to change communication to match context or the needs of the listener, such as speaking differently in a classroom than on a playground, talking differently to a child than to an adult, and avoiding use of overly formal language.
  - Difficulties following rules for conversation and storytelling, such as taking turns in conversation, rephrasing when misunderstood, and knowing how to use verbal and nonverbal signals to regulate interaction.
  - Difficulties understanding what is not explicitly stated (e.g., making inferences) and nonliteral or ambiguous meanings of language (e.g., idioms, humor, metaphors, multiple meanings that depend on the context for interpretation).
- The deficits result in functional limitations in effective communication, social participation, social relationships, academic achievement, or occupational performance, individually or in combination.
- The onset of the symptoms is in the early developmental period (but deficits may not become fully manifest until social communication demands exceed limited capacities).
- The symptoms are not attributable to another medical or neurological condition or to low abilities in the domains of word structure and grammar, and not better explained by autism spectrum disorder, intellectual disability (intellectual developmental disorder), global development delay, or another mental disorder.

Table 2: Severity Levels for Autism Spectrum Disorder

Severity Level	Social Communication	Restricted, repetitive behaviors
<b>Level 3</b> "Requiring very substantial support"	Severe deficits in verbal and nonverbal social communication skills cause severe impairments in functioning, very limited initiation of social interactions, and minimal response to social overtures from others. For example, a person with few words of intelligible speech who rarely initiates interaction and, when he or she does, makes unusual approaches to meet needs only and responds to only very direct social approaches.	Inflexibility of behavior, extreme difficulty coping with change, or other restricted/repetitive behaviors markedly interferes with functioning in all spheres. Great distress/difficulty changing focus or action.
<b>Level 2</b> "Requiring substantial support"	Marked deficits in verbal and nonverbal social communication skills, social impairments apparent even with supports in place; limited initiation of social interactions; and reduced or abnormal responses to social overtures from others. For example, a person who speaks in simple sentences whose interaction is limited to narrow special interests, and who has markedly odd nonverbal communication.	Inflexibility of behavior, difficulty coping with change, or other restricted/repetitive behaviors appear frequently enough to be obvious to the casual observer and interfere with functioning in a variety of contexts. Distress and/or difficulty changing focus or action.
<b>Level 1</b> "Requiring support"	Without supports in place, deficits in social communication cause noticeable impairments. Difficulty initiating social interactions, and clear examples of atypical or unsuccessful responses to social overtures from others. May appear to have decreased interest in social interactions. For example, a person who is able to speak in full sentences and engages in communication but whose to-and-fro conversation with others fails, and whose attempts to make friends are odd and typically unsuccessful.	Inflexibility of behavior causes significant interference with functioning in one or more contexts. Difficulty switching between activities. Problems of organization and planning hamper independence.

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# Exhibit 7

USWGO  
QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"

# Exhibit 9

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN




MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA



BRIAN HILL (174826) [DOB: 5/26/1990]

DIAGNOSIS			
Axis/Order	Axis 3/1	Diagnosis	(F42.9) Obsessive-compulsive disorder, unspecified
Axis/Order	Axis 3/2	Diagnosis	(F84.0) Autistic disorder
Axis/Order	Axis 3/3	Diagnosis	(F29) Unspecified psychosis not due to a substance or known physiological condition
Axis/Order	Axis 3/4	Diagnosis	(F41.1) Generalized anxiety disorder
WHODAS 2.0 General Disability			
	Assessment Date	General Raw Score	General Average Score
	Score description	Raw Score	Average Score
	Cognition		
	Mobility		
	Self-care		
	Getting along		
	Life activities		
	Participation		

 <b>Piedmont Community Services</b> 13 MOSS ST SOUTH MARTINSVILLE, VA 24112	
Client Name: <b>BRIAN HILL</b>	SSN/Acct # <b>0319 / 174826</b>
Address: <b>310 FOREST ST APT 2 MARTINSVILLE VA 24112-4939</b>	Date/Time: <b>10/24/2018 9:51 AM to 10:23 AM</b>
Insurance:	Employee Name: <b>CONRAD DAUM / MD</b>
Diagnosis:	Visit Type/CPT <b>Med Note [Jail] / Nonbill</b>
DOB <b>5/26/1990</b>	
Notes: <b>Non-Face-to-Face Service</b>	
<b>HISTORY</b>	
<p><b>Chief Complaint: Notes:</b>          "guy in hodie threatened to kill my mother if I didn't do what he said" "meltdown" He was arrested for walking down the street naked and charged with a probation violation.</p> <p><b>History of Present Illness (HPI): Notes:</b>          local is mental, quality he agreed to zyprexa and zoloft. severity moderate, duration 1st admit 2013 ONLY, time of tx start here 2013, context jail inmate. associated he was convicted for child porn and is on sex registry. He believes he was convicted unfairly by a conspiracy of the court officials. He believes Critical documents proving his innocence were deliberately destroyed. Modify is tx accepted, ills see med hx.</p> <p><b>Past Medical / Family Medical / Social Hx: .</b>  <b>LEGAL HX:</b> He would only discuss the child pron and probation violation convictions.</p> <p><b>PSYCH HX:</b> He tried suicide, but no family hx, he denied wanting to harm self or others the past month. He denied any SUD or tobacco, Hx autism, OCD, GAD</p> <p><b>MEDICAL HX:</b> Diabetes, IBS, Eczema, op only wisdom teeth, no fx hx, hypoglycemic seizures, hx concussions during seizures.</p> <p><b>FAMILY HX:</b> 0 kids, 1/2 sisters=2, 0 brothers, mom living, dad hx unknown no hx of inpatient , SUD, jail. Hx Hypertension, ulcerative colitis,</p> <p><b>SOCIAL HX:</b> born Orlando FL, raised NC, some HS, single, no church, on disability, lives alone with caretaker's help.</p>	
<b>Review of Symptoms (ROS)</b>	
<p><b>Constitutional: Notes:</b>          sleeping ok</p> <p><b>Eyes: Notes:</b>          see ok</p> <p><b>Ears, Nose, Mouth, Throat: Notes:</b>          hear ok</p> <p><b>Cardiovascular: Notes:</b>          no chest pain</p>	

**Respiratory: Notes:**  
breathing ok

**Musculoskeletal: Notes:**  
no LBP

**Integumentary (skin and/or breast): Notes:**  
no tattoos

**Neurological: Notes:**  
seizure hx and diabetic foot neuropathy

**Endocrine: Notes:**  
diabetes

**Hematologic/Lymphatic: Notes:**  
no nodes

**Allergic/Immunologic: Notes:**  
allergy see list

**Genitourinary: Notes:**  
bladder frequency

**Gastrointestinal: Notes:**  
GERD SX, episodic diarrhea

**EXAM**

**Constitutional Vital Signs:**

**Musculoskeletal**

**Muscle strength and tone: Notes**  
ok

**Gait and station: Notes**  
ok

**Behavior**

**Appearance:** Well-groomed

**Activity:** Normal

**Attitude:** Cooperative

**Articulation (Speech):** Normal Rate, Rhythm, Volume

**Sensorium**

**Consciousness:** Alert

**Orientation:** Full

**Memory:** Intact

**Attention/Concentration:** Adequate

**Emotion**

**Affect:** Comfortable and Reactive

**Mood:** Euthymic

**Congruency:** Congruent

**Sulcidal Ideation:** None

**Homicidal Ideation:** None

**Thought**

**Thought Process:** Goal-directed

**Thought Content:** Delusional

**Intelligence:** Average

(based upon fund of knowledge, comprehension, and vocabulary)

**Insight:** Full

**Judgement:** Intact

**Perception:** Normal

**Impression**

**Brief summary of present status of case:** Notes  
aims=0

**DIAGNOSES**

**Current Diagnoses:**

**Effective Date :** 10/24/2018

**1 (F42.9) Obsessive-compulsive disorder, unspecified**

**Diagnosed By :**      **Diagnosed Date :**

**Onset Date :**      **Previous Onset Date :**

**Onset Prior to Admission:**

**R/O:** No

**Notes:**

**Date Updated:** 03/21/2017

**SNOMED:** -

**2 (F84.0) Autistic disorder**

**Diagnosed By :**      **Diagnosed Date :**

**Onset Date :**      **Previous Onset Date :**

**Onset Prior to Admission:**

**R/O:** No

**Notes:**

**Date Updated:** 03/02/2016

**SNOMED:** -

**3 (F29) Unspecified psychosis not due to a substance or known physiological condition**

**Diagnosed By :**      **Diagnosed Date :**

**Onset Date :**      **Previous Onset Date :**

**Onset Prior to Admission:**

**R/O:** No

**Notes:**

Date Updated: 10/24/2018  
SNOMED: -

4 (F41.1) Generalized anxiety disorder  
Diagnosed By :      Diagnosed Date :  
Onset Date :      Previous Onset Date :  
Onset Prior to Admission:  
R/O: No  
Notes: BRITTLE DIABETES  
Date Updated: 10/24/2018  
SNOMED: -

WHODAS 2.0 General Disability    Assessment Date:  
Raw Score:    Avg Score:  
Cognition:  
Mobility:  
Self-care:  
Getting along:  
Life activities:  
Participation:

**Psych Diagnoses & Status**

Diagnosis: all

Status: Stable

**Medical Diagnoses & Status**

**COLUMBIA ASSESSMENT**

**1) Wished to be Dead:**

Have you wished you were dead or wished you could go to sleep and not wake up?: No

**2) Suicidal Thoughts:**

Have you actually had any thoughts of killing yourself?: No

**6) Suicidal Behavior Question:**

Have you ever done anything, started to do anything, or prepared to do anything to end your life?: Yes

Was this within the past three months? (please explain): No

**SUMMARY**

Service Modality: Non-Face-to-Face Service

**Current Medications:**

Medication:insulin aspart U-100 100 unit/mL subcutaneous solution

Start Date:10/24/2018

Dosage:

Frequency:

Medication:olanzapine 2.5 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time at bedtime for mood swings

Medication:sertraline 50 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time after breakfast for anxiety

**Plan**


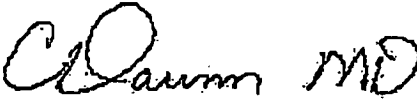
Medication Changes: .

Next Appointment: Date

pm

E/M Level: 5

E/M Score: 5

<p>Employee Signature</p>  <p>10/24/18 2:51 PM CONRAD DAUM - MD MD</p>
 <p>Supervisor's Signature Approved by CDAUM on 10/24/18 CONRAD DAUM, MD, MD</p>

# Exhibit 8

USWGO

QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS

MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138

MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS"

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>Motion to Withdraw Appeal</b>
	)	
<b>Defendant,</b>	)	

**MOTION TO WITHDRAW APPEAL**

COMES NOW criminal Defendant Brian David Hill (“Brian”, “Hill”) respectfully requests to withdraw the Appeal of the December 21, 2018, General District Court finding of guilty. However Brian does NOT waive his right to collaterally attack/challenge his conviction in General District Court and also does NOT waive his right to file a Writ of Actual Innocence.

The reason for withdrawing his appeal is because he is facing a fixed jury trial where the cards are stacked against him. It will not be a fair trial and his legal innocence will not matter as various private lawyers had explained to Brian when Brian’s family asked for free consultation with multiple private lawyers, to see if any had opinions differing from the court appointed lawyers.

One lawyer told Brian that his federal conviction will be brought up if Brian testifies on the stand, when testifying is necessary to show a defense that Brian has Autism Spectrum Disorder which would explain why Brian smiles in photos, because his Autism affects his behaviors and can cause incorrect or abnormal behaviors such as smiling or giving the inappropriate facial expressions or gestures



during a situation of duress or in any other situation. Autism should not be legally treated as the same as normal behaviors because Autism behaviors differ from the normal set of expected human behaviors in a society. Such as after being threatened Brian didn't walk for miles to get to the Police Department but instead did exactly what the man in the hoodie had directed Brian to do or his mother will be killed, he presumed that if he didn't do what the man in the hoodie had said. Another lawyer said that his affidavits filed in federal court about his state case cannot be used. Another one said that Brian's allegation of fraud upon the court against the Commonwealth Attorney cannot be sustained because the evidence that may prove fraud by the Police Department cannot be used because of dual sovereignty where federal evidence concerning the same state charge of indecent exposure and is relevant to it cannot be brought up at the jury trial because of a claim of dual sovereignty, then hinting that Brian may face contempt of court for bringing the truthful allegations because of a technicality of dual sovereignty barring Brian from bringing up a map in the federal case showing where Brian allegedly took the pictures on September 21, 2018, which disproves Martinsville Police Department's fraudulent claim that Brian took photos all around the town, or all around the city when the evidence presented by the U.S. Attorney and witness Sergeant Robert Jones differs from his earlier claims to the psychologist which means fraudulent claims was told to both the psychologist of the mental evaluation at the General District Court level. Different lawyers gave slightly different opinions but all of them recommended that Brian withdraw his appeal because he would not win the jury trial even if he is legally innocent because the jurors would be biased and picked from the bible belt area and would automatically make their own personal determinations of Brian's guilt rather than the law's determination in the Appellate courts of record. They thought if Brian had faced a bench trial that he'd have a better chance at being found legally innocent of his

charge. Since there is no way possible for Brian to get a bench trial, the lawyers thinks Brian has a poor chance, which doesn't make any sense.

Brian was told he can't have this as evidence, he cannot have that as evidence. Brian doesn't seem to be getting anywhere and each lawyer just gives the same bad news, that because Brian was wrongfully convicted of possession of child pornography in a corrupt Federal Court in the Middle District of North Carolina that ignored evidence and wouldn't show Brian all of his discovery material before compelling him to falsely plead guilty, that his Writ of Habeas Corpus on the ground of actual innocence does not matter, and that his fraud upon the court allegations in his federal case that were unopposed also does not matter for his state case. All the jurors would hear is about Brian's "sex charge" when Brian testifies on the stand and he was told by one private lawyer that he cannot bring up to the jury that he is fighting his federal criminal conviction on the ground of actual innocence and fraud upon the court and both of them are not subject to statute of limitations, and that it can be used to discredit him as a witness because all felons are liars as one lawyer told Brian. It takes time for Brian to overturn his wrongful federal conviction but the state jury trial will not delay indefinitely for Brian to overturn his wrongful conviction in Federal Court so that then he can testify at the jury trial without facing that prejudice. Brian will not get a fair trial in state court until his federal conviction is overturned, or that President Donald John Trump grants Brian a pardon of innocence for his federal conviction. His federal conviction cannot establish any facts or relevance as to why Brian was naked (but not obscene) on September 21, 2018. However when the jurors hear the words "possession of child pornography", any Christian will instantly turn on Brian and want him dead or to suffer, and want his house burned down. Because of the stigmatization of his "federal sex charge" of "possession", his actual innocence

will not matter, even if Brian is later found actually innocent of his wrongful federal conviction, if they hear those words, their ears turn off, their brains turn off, and their eyes turn off and they will refuse to hear or see any evidence except that Brian will be guilty because they will all believe that he is guilty when they hear the words of his federal conviction if Brian were to testify on the stand. He doesn't stand a chance, even if he is legally innocent. His pro se motions do not work because they force all motions through his attorney who isn't fighting for him. Brian submitted interrogatories to the Commonwealth's Attorney to ask for answers but his own lawyer will not submit interrogatories asking the same questions that were asked in Federal Court by Attorney Renorda Pryor, which would allow answers under oath before the trial and would give Brian a good chance at trying for a motion to dismiss based on the fact that Brian wasn't being obscene and obscenity is required in order for Brian to be found guilty of V.A. Code § 18.2-387. "Indecent exposure." Brian is legally innocent but the Jury will not recognize it if they are mainly Christians from the Bible belt, which highly likely will be Christians from the Bible belt. It doesn't matter what motions his friend Eric Clark (a legal expert from Kansas) tells Brian to file because any pro se motions he files or any interrogatories that he faxes to the Commonwealth Attorney will also be ignored because they were done pro se. He has been deprived of effective counsel every step of the way in his case, he doesn't stand a chance at jury trial. His former lawyer Scott Albrecht had never asked for the police body-camera footage while it was retained by Martinsville Police Department last year (*Brian also filed a motion for discovery for that body-camera footage but that was also ignored because it was filed pro se*), and Matthew Clark tells Brian that his letters to the Police Department asking for the body camera footage to be turned over to his lawyer doesn't matter, even though the body-camera footage would also help to show evidence of duress to the jury and show his autistic behaviors which

would be evident. His court appointed lawyers and private lawyers told him and his family that none of that matters, his legal innocence doesn't matter, none of the evidence matters. It is all one sided, a one sided jury trial that Brian would be facing. The prosecutor can use his autistic behaviors against him to make him look guilty but he isn't allowed to have a medical expert to testify to Brian's autism in his defense because the only defenses that will be accepted is if Brian were criminally insane (ruled mentally insane) and is declared cocoo, and that he would not be allowed to bring up anything from his Autism in his defense. They all practically said that if it was a bench trial, he would have a better chance at being found legally innocent for not being obscene, but Brian has no chance at a jury because it will all be fixed from what all lawyers have told Brian. Brian could debate with them all day long about how they are wrong about this and how they are about that, but Brian can't chance the minds of lawyers that are fixed to a certain belief or a certain repetitious ways of doing things a certain way all of the time, and that nothing else matters from this narrow way of doing things. Brian could file a motion to proceed pro se and try to set a new precedent on the way the rules work and that lawyers could have done this for Brian and could have done that for Brian, but then his Autism will work against him and make it difficult for Brian to present a case on his own during the jury trial as Brian is not a lawyer and has no Bar license, he doesn't have memorized the trial rules and rules of the court which puts him at risk of not knowing what he is doing, and if he is at risk of having an autistic meltdown, that would be used against him and put him in a worse situation. It is all fixed and Brian has no chance under a fixed jury trial. Since Brian is legally innocent, he can always file a Writ of Actual Innocence at a later time or ask a higher court to overturn his state conviction in General District Court on the basis of legal innocence since there is no time limit on actual innocence claims according to the U.S. Supreme Court on rulings for Writ of

Habeas Corpus petitions that are time barred but not time barred for actual innocence.

For the foregoing explanations above, Brian does not stand a chance, and because of his Autism his ability to present the case on his own (pro se) without any legal trial experience is a very good chance of losing and that his legal innocence would not matter to Christian Bible belt jurors. It would not matter to Christian Bible belt jurors even though Adam and Eve were naked but not sexual, and Noah was naked in the tent and his sons tried to cover him up and Noah got angry but was not sexual, and another bible story where Peter was fishing naked but wasn't sexual. However regular Christians would portray Brian's non-sexual nudity and confusing autistic behavior as sexual from their own religious perspectives. They wouldn't know of Brian's carbon monoxide exposure, they wouldn't know of Brian having a documented medical history of Mild Autism and would only know that at sentencing like that would matter, and they wouldn't know of Brian proving his innocence of possession of child pornography and be forced to tell the jurors under oath what his federal conviction was for but then would not be allowed to explain to the jurors that he had filed a Writ of Habeas Corpus petition in November 2017 for his actual innocence and was also attacking his conviction for fraud upon the court committed by the federal prosecution in violation of N.C. State Bar Rule 3.8.

For the foregoing explanations above, Brian would stand a better chance at a bench trial for his legal innocence or would stand a good chance of getting his case dismissed on not being obscene but his pro se motions are ignored and his lawyer refuses or fails to even try filing a motion to dismiss based on Brian's legal innocence on the obscenity requirement under Virginia persuasive case laws. There is no way Brian can legally push for a bench trial because the Commonwealth

Attorney pushed for jury trial, knowing that Brian will not get a fair trial and that his federal conviction can be used against him and prejudice the jurors one way or another. Legal innocence does not matter in a jury trial when the jurors can be prejudiced by a wrongful federal conviction that was and is currently being challenged on actual innocence and frauds upon the court under case law of *Chambers v. Nasco, Inc.* and other case laws. Brian would have won had it been a bench trial. Because of that reason, Brian has no choice but to withdraw his appeal from the General District Court, and consider finding other means to challenge his state case by other legal means he could use. He may even have to consider filing a Writ of Habeas Corpus in federal court for his state conviction in General District Court. Brian is having to weigh his options to ensure that his legal innocence is recognized and won't be barred by discrimination and prejudice on its face.

Then another lawyer who said that Brian did have a chance at being found innocent of indecent exposure, turned his back on Brian and refused to take the case at all because he spoke with Lauren McGarry who made a big deal out of somebody else's investigative work and blog post that doesn't even have the information on that blog for months after Brian's family requested that it be removed from Laurie's blog post on [JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com). So that one lawyer refused to take the case because Lauren McGarry complained to him (this private lawyer) about somebody else's blog post from June or July of 2019. So Brian cannot even get a good lawyer to fight for him. Brian is screwed over, every way ever since the jury trial was started by the Commonwealth Attorney. Brian has had to beg for a pardon in his federal case for his actual innocence but Trump is being attacked so much by lies and deceit, Donald John Trump doesn't even have the time to consider pardoning Brian David Hill of his wrongful federal conviction on the basis of recognizing his actual innocence. Brian isn't going to

find a good lawyer that his family can pay for cheaply just so Brian can be found legally innocent and defeat his Supervised Release Violation in federal court over his legal innocence in this state case. One turned his back on Brian because of what one lawyer or two lawyers from the Martinsville Public Defender office had told him. Brian is screwed over in many ways and will never get a fair trial in this state case, EVER. Brian is having to consider asking for a non-local Virginia attorney away from the Bible belt and away from the Public Defender office, but then the cost will be unaffordable for a third party aka Brian's family to even pay to aid in Brian's winning this state case.

Brian's only chance to preserve his legal innocence is to withdraw his appeal in the Circuit Court, and just find another way to get a fair bench hearing to be found legally innocent of his state charge.

Brian has given a good series of explanations in this motion as to why he is withdrawing his appeal. He has other routes to prove his legal innocence and overturn his conviction in the General District Court. Brian doesn't to have to deal with any drama coming from the Martinsville Public Defender office over what one of Brian's friends had posted at [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com) back in June or July 2019, but then removed those from the blog posting out of concerns from Brian's family that it would put a target on all of our backs. At this point, there is just no way any fair trial can happen in the City of Martinsville. Brian is requesting appeal be withdrawn and accepts the conviction in the General District Court, and will find other legal ways to overturn his wrongful conviction on December 21, 2018, in the Martinsville General District Court.

Also an argument suggested by Brian's family:

According to our US Constitution, Sixth Amendment - Rights of Accused in Criminal Prosecutions a defendant has a right to a speedy and public trial,

by an **impartial jury of the State and district wherein the crime shall have been committed**, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; **to have compulsory process for obtaining witnesses in his favor**, and to have the Assistance of Counsel for his defense.

It is now 21 or 22 days until Brian's jury trial. His attorney has not asked Brian who he would want to have as witnesses to represent him, has not tried to get a professional witness who understands and can explain to the jury how his autism caused him to leave the house and caused other things that night, and it is getting too close to time to prepare or arrange for these witnesses to appear. All cards are stacked against Brian and work for the prosecution which would explain why he wanted a jury trial, and Brian's court appointed attorney wanted a bench trial.

Brian and his family have contacted several local attorneys and found out from all that we live in a Bible belt so most jurors in this area will be offended by these photos. Taking photos of oneself in the nude is not against the law. These were taken in the dark when no one else was around, and the camera was in Brian's backpack at the time of arrest. Now these personal photos will be shown to many people without explaining that Brian has autism which is brain damage and similar to dementia and was under the influence of undetected carbon monoxide gas in his home for almost a year which caused Brian's health to worsen and caused a lot of physical damage to the ceiling above & walls around his fireplace from the gas hot water heater and gas boiler/furnace. The vent was blocked in the chimney. If Brian testifies, the prosecution then can bring up about a former charge, but Brian can't bring up that this charge is based on fraud upon the court and is being contested in court. With Brian's autism, he will most likely have a melt-down. This court appointed attorney wants Brian to testify and did not tell us what other attorneys have told us about this. This attorney has not discussed if he has obtained permission for Brian to have autism and type I insulin brittle diabetes supports in the court which is a federal law according to the Americans with Disabilities Act as well as instructions on how to question someone with autism in the court. He has not told Brian or his family what type of measure will be taken when they



question someone with autism. Brian has now accepted the fact that he will lose and so it is time to withdraw his appeal.

Hill respectfully files this Motion with this honorable Court, this the 11th day of November, 2019.

Respectfully submitted,

Brian D. Hill

Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

JusticeForUSWGO.wordpress.com

Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 11, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232. It has also been transmitted by facsimile to the General District Court at the Fax: Fax: (276) 403-5114 since granting of this motion to withdraw appeal sends the case record back to the General District Court.

#### CERTIFICATE OF SERVICE

I hereby certify that on this the 11th day of November, 2019, a true copy of the foregoing Motion/Pleading was transmitted by facsimile to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville,

Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478. Transmission ticket attached.

Brian D. Hill  
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

JusticeForUSWGO.wordpress.com

Amazon: The Frame Up of Journalist Brian D. Hill

Date: 11/11/2019  
Number of pages: 11  
Attn.: Commonwealth Attorney  
Recipient's number: T1-276-403-5478  
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Brian's motion to withdraw  
File description: Brian's motion to withdraw appeal(4)Signed.pdf  
Recipient's Fax ID: 12764035478  
Rate: 14400 bps

Time: 7:58:49 PM  
Session duration: 8:53  
To: Commonwealth Attorney  
Message type: Fax  
Error Correction: Yes  
Resolution: 200\*200 dpi  
Record number: 7994

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>Motion to Withdraw Appeal</b>
	)	
<b>Defendant,</b>	)	

**MOTION TO WITHDRAW APPEAL**

COMES NOW criminal Defendant Brian David Hill ("Brian", "Hill") respectfully requests to withdraw the Appeal of the December 21, 2018, General District Court finding of guilty. However Brian does NOT waive his right to collaterally attack/challenge his conviction in General District Court and also does NOT waive his right to file a Writ of Actual Innocence.

The reason for withdrawing his appeal is because he is facing a fixed jury trial where the cards are stacked against him. It will not be a fair trial and his legal innocence will not matter as various private lawyers had explained to Brian when Brian's family asked for free consultation with multiple private lawyers, to see if any had opinions differing from the court appointed lawyers.

One lawyer told Brian that his federal conviction will be brought up if Brian testifies on the stand, when testifying is necessary to show a defense that Brian has Autism Spectrum Disorder which would explain why Brian smiles in photos, because his Autism affects his behaviors and can cause incorrect or abnormal behaviors such as smiling or giving the inappropriate facial expressions or gestures

# Exhibit 9

USWGO

QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS

MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138

MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS"

**UNITED STATES DISTRICT COURT  
for the  
Middle District of North Carolina**

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: BRIAN DAVID HILL Case Number: 1:13CR435-1  
Name of Sentencing Judicial Officer: The Honorable William L. Osteen, Jr.  
Date of Original Sentence: November 10, 2014  
Original Offense: Possession of Child Pornography in violation of 18 U.S.C. § 2252(A)(a)(5)(B) and (b)(2).  
Original Sentence: Custody of the Bureau of Prisons for 10 months and 20 days, but not less than time served, followed by 10 years supervised release.  
April 29, 2015: Modification suspending mandatory drug testing was filed.  
June 30, 2015: Supervised release violation hearing before the Honorable Thomas D. Schroeder. Supervised release was continued with the additional special conditions of six (6) months home incarceration and participation in a Cognitive Behavioral Therapy program.  
September 4, 2015: Report of Offender Under Supervision was filed.  
Type of Supervision: Supervised Release Date Supervision Commenced: November 13, 2014  
Date Supervision Expires: November 12, 2024

Assistant U.S. Attorney: Anand Prakash Ramaswamy Defense Attorney: John Scott Coalter

---

**PETITIONING THE COURT**

- To issue a warrant. For compelling reasons, this petition and Warrant shall remain sealed until the Warrant is executed. The Clerk shall provide a copy of the petition and Warrant to the U.S. Attorney's Office and the United States Marshal Office.  
 To issue a summons

The probation officer believes that Mr. Hill has violated the following condition(s) of supervision:

**Violation 1 - The defendant shall not commit another federal, state or local crime.**

On September 21, 2018, Mr. Hill was arrested by the Martinsville Police Department in Martinsville, VA for Misdemeanor Indecent Exposure. The offense date was September 21, 2018. Mr. Hill remains without bond at the Martinsville City Jail as of the date of this report. Mr. Hill's next scheduled court date is December 21, 2018.

According to the police report, on the night of September 21, 2018, a report was received that a nude male had been observed running on a public park trail within the city limits. Officers responded and made contact with the male, later identified as Mr. Hill. Mr. Hill ran away from the officers and was shortly thereafter detained near a creek. Mr. Hill advised the officers that a "black man in a hoodie" made Mr. Hill

"get naked and take pictures of himself." Mr. Hill was in possession of a camera which he voluntarily allowed the officers to examine. The camera contained several nude photographs of Mr. Hill in different locations around the city of Martinsville. Following an examination at a local hospital, Mr. Hill was medically and psychologically cleared. Mr. Hill was subsequently arrested for Indecent Exposure, in violation of Virginia Criminal Code § 18.2-37, a Class 1 Misdemeanor.

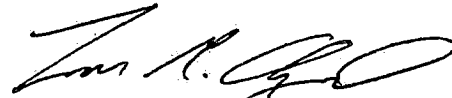
U.S. Probation Officer Recommendation:

- The term of supervision should be
  - revoked.
  - extended for \_\_\_\_\_ years, for a total term of \_\_\_\_\_ years.

- The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the forgoing is true and correct.

Executed on November 6, 2018



Kevin M. Alligood  
U.S. Probation Officer Specialist

Approved by:



Edward R. Cameron  
Supervisory U.S. Probation Officer

November 12, 2018

Date

# Exhibit 10

USWGO

QANON // DRAIN THE SWAMP

**U.S.W.G.O.**

PETITION FOR WRIT OF HABEAS CORPUS

MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138

MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"

UNITED STATES DISTRICT COURT
for the
Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

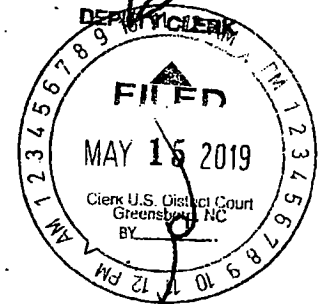
MAY 14 2019

JULIA C. EDDLEY, CLERK
BY:

Case No. 7:18-MJ-00149

United States of America
v.

Brian David Hill
Defendant



ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
(2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
(3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
(4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at (if blank, to be notified)

Place

on

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

- (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
(6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of Twenty thousand dollars and no cents dollars (\$ 20,000.00 ) in the event of a failure to appear as required or surrender to serve any sentence imposed.

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL



**ADDITIONAL CONDITIONS OF RELEASE**

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

(7) The defendant is placed in the custody of:

Person or organization Roberta Hill

Address (only if above is an organization) \_\_\_\_\_

City and state Martinsville, VA

Tel. No. (only if above is an organization) \_\_\_\_\_

who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: Roberta Hill  
Custodian or Proxy

5/14/2019  
Date

(8) The defendant must:

BH RH  
BH RH

- (a) report to the USPO telephone number (540) 857-5180, no later          upon release.
- (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \$20K Unsecured
- (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum

BH RH

- (d) maintain or actively seek employment.
- (e) maintain or commence an education program.
- (f) surrender any passport to: \_\_\_\_\_
- (g) abide by the following restrictions on personal association, place of abode, or travel:  
remain in WOVA & not travel outside the WOVA without permission of the supervising officer
- (h) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to: co-defendants.

BH RH  
BH RH  
BH RH

- (i) undergo medical or psychiatric treatment:
- (j) return to custody each (week) day at \_\_\_\_\_ o'clock after being released each (week) day at \_\_\_\_\_ o'clock for employment, schooling, or the following purpose(s): \_\_\_\_\_
- (k) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- (l) refrain from possessing a firearm, destructive device, or other dangerous weapons.
- (m) refrain from  any  excessive use of alcohol.
- (n) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (o) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.

BH RH  
BH RH

- (p) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.
- (q) participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.
  - (i) Curfew. You are restricted to your residence every day  from 7:00 pm to 8:00 am, or  as directed by the pretrial services office or supervising officer; or
  - (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer; or
  - (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.
- (r) submit to location monitoring and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.
  - The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.

BH RH

- (s) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

BH RH

- (t) follow the directions and instructions of the supervising officer
- (u) submit to warrantless search and seizure of person and property as directed by supervising officer.
- (v) not frequent places where controlled substances are illegally sold, used, distributed, or administered, and shall not associate with any persons engaged in criminal activity or associate with any person convicted of a felony, unless under the supervision of law enforcement

BH RH

- (w) Defendant to be evaluated by the local community board for mental health treatment within 10 days of release. Defendant to execute a waiver giving USPO access to any and all treatment records.

BH RH

- (x) Defendant may travel to the Middle District of North Carolina for court appearances.

BH RH

- (y) Mother to be 3rd party custodian and co-sign on the Appearance Bond.

- (z)
- (aa)
- (bb)

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

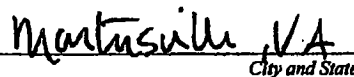
A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

  
Deputy Clerk

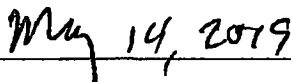
  
Defendant's Signature

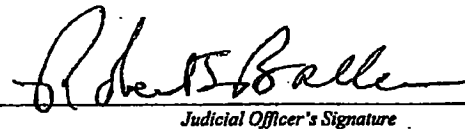
  
City and State

**Directions to the United States Marshal**

- (  ) The defendant is ORDERED released after processing.  
 ( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date:

  
Date

  
Judicial Officer's Signature

Robert S. Ballou, United States Magistrate Judge  
Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

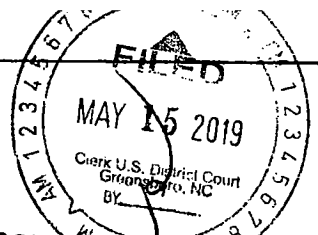
# Exhibit 11

USWGO  
QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to “BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS”



CLERK'S OFFICE U.S. DISTRICT COURT AT ROANOKE, VA FILED

MAY 14 2019

JULIA C. DUBLEY, CLERK BY: [Signature] DEPUTY CLERK

# UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America )  
v. )  
Brian David Hill )  
Defendant )

Case No. 7:18-MJ-00149

## APPEARANCE BOND

### Defendant's Agreement

I, Brian David Hill (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- to appear for court proceedings;
- if convicted, to surrender to serve a sentence that the court may impose; or
- to comply with all conditions set forth in the Order Setting Conditions of Release.

### Type of Bond

- (1) This is a personal recognizance bond.
- (2) This is an unsecured bond of \$ 20,000.00.
- (3) This is a secured bond of \$ \_\_\_\_\_, secured by:
  - (a) \$ \_\_\_\_\_, in cash deposited with the court.
  - (b) the agreement of the defendant and each surety to forfeit the following cash or other property (*describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value*):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- (c) a bail bond with a solvent surety (*attach a copy of the bail bond, or describe it and identify the surety*):

### Forfeiture or Release of the Bond

**Forfeiture of the Bond.** This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.



# Exhibit 12

USWGO  
QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"

# Exhibit 13

USWGO  
QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"

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**Tracking Number:** 7017268000057509122

[Remove X](#)

Your item was delivered at 2:52 pm on August 7, 2019 in MARTINSVILLE, VA 24112.

 **Delivered**

August 7, 2019 at 2:52 pm  
Delivered  
MARTINSVILLE, VA 24112

Feedback

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### Tracking History

August 7, 2019, 2:52 pm  
Delivered  
MARTINSVILLE, VA 24112  
Your item was delivered at 2:52 pm on August 7, 2019 in MARTINSVILLE, VA 24112.

July 31, 2019  
Redelivery Scheduled  
MARTINSVILLE, VA 24112

July 24, 2019  
Redelivery Scheduled  
MARTINSVILLE, VA 24112

July 22, 2019  
Redelivery Scheduled  
MARTINSVILLE, VA 24112

July 20, 2019, 9:02 am  
Notice Left (No Authorized Recipient Available)  
MARTINSVILLE, VA 24112

July 20, 2019, 9:00 am  
Delivery Attempted - No Access to Delivery Location



MARTINSVILLE, VA 24112

July 20, 2019, 7:50 am  
Arrived at Unit  
MARTINSVILLE, VA 24112

July 20, 2019, 7:46 am  
Out for Delivery  
MARTINSVILLE, VA 24112

July 19, 2019, 9:07 pm  
Departed USPS Regional Facility  
ROANOKE VA DISTRIBUTION CENTER

July 19, 2019, 7:56 pm  
Arrived at USPS Regional Facility  
ROANOKE VA DISTRIBUTION CENTER

July 19, 2019, 5:01 pm  
Departed Post Office  
MARTINSVILLE, VA 24112

July 19, 2019, 9:08 am  
USPS in possession of item  
MARTINSVILLE, VA 24112

Feedback

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**Product Information** 

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**Features:** Certified Mail Restricted Delivery  
Up to \$50 insurance included. Restrictions Apply ⓘ

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See Less 

### Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs**

**Brian David Hill's grandmother's notes are in bold and underlined from the transcript on 9-12-2019: from Stella Forinash**

RAMASWAMY

Page 68 And the Court has also heard testimony that there were other reports of a naked man in a stocking cap, and he's shown wearing a stocking cap prior to this, and that there were no such reports after Mr. Hill's arrest.

**Would this not be considered hear say? The police did not say that it was Brian, did not say it wasn't. He did say that there were a couple more to his knowledge after this, but they were not Brian. Don't they sell millions of stocking caps? I've got several in my coat closet. My husband's grandson wore one at all times in the summer. See page 28 of the transcript. Ramaswamy lied when he said that there was no such reports after Mr. Hill's arrest. See what Police Jones said on page 28.**

Sgt Jones

Page 28 Q Did you get similar calls after Mr. Hill was arrested in this case?

A We've had, I know, two other calls for indecent exposure incidents, but they were both identified as not being Mr. Hill.

Page 30 Ms Pryor: Cross-Examination

Page 32 Q And did you tell him that you were police at the time?

A I do not recall if I actually said I was police or not when I told him to stop; at which point, he went straight into the woods, and I began chasing him.

**(He did not tell Brian that he was a police he told the magistrate judge during the initial arrest). Brian was not charged with running from police because Brian was not told that it was a policeman who told Brian to stop.**

**The policeman said that Brian told him he had autism and told him that he could look at the camera. Why wasn't a family member, attorney or a professional in autism called before the police looked at the camera at the hospital? Hospital records clearly state that Brian is an insulin dependent diabetic, why didn't the hospital check Brian's blood glucose that night? Why is there no hospital records of any blood test that night? Hospital records clearly state that Brian**

**has autism too. Someone with insulin dependent diabetes and autism alone in the nude in the middle of the night, and there are no blood tests taken by the hospital and the hospital doesn't keep him for observation is strange.**

**Copies of letters Brian's mom received a few months before this episode.**

**Photos of Brian's fireplace due to carbon monoxide exposure.**

**PDF's about Autism attached.**

Q Okay. And did you investigate whether he -- whether there was some threat to his family or anything?

A Talking with him, the time frame didn't really add up to me at that point. We made contact with his -- tried to make contact with his mother that night. I don't know if anybody actually spoke to her. I don't recall.

**A policeman came to the house to tell Brian's mom that Brian was in the hospital at abt 4 in the morning. No one questioned Brian's mom or grandparents that day. Police told Brian's family about Brian being in the nude and taking photos of himself, and they were arresting Brian. Brian's family was in shock.**

Page 34 Q Okay. But as part of your investigation, have you been able to find out whether there were some threatening matters that was sent to him or his family?

A I have not heard anything of that, no.

Q But do you -- but you didn't do the investigation?

A No.

Q Did Mr. Hill -- when you approached him, did he tell you that he had autism?

A He did.

Q And do you guys -- does your -- I would say does your - does the department train you on how to approach someone with autism?

A We deal with some academy-wise and not much follow-up after that.

**NOTE: Are there any laws that the police are supposed to provide aids before questioning someone with autism? Is autism, insulin dependent diabetes and OCD covered under the Americans with Disabilities Act where the police are supposed to obtain supports? They never called Brian's mom to ask about**

autism or if there were threats made. Answer to both would have been "Yes" with proof. Is it illegal to take nude photos of oneself? Did the police not say that Brian told him he had autism, then told police that he could look at the camera? Did the police say that this camera was in the backpack? I think I heard something about Brian smiling in the photos. When someone is nervous, is laughing part of being nervous? Does someone with autism laugh or smile at inappropriate times (is this one of the characteristics of someone with autism that is listed)?

THE WITNESS: The original call came in at 3:15, and I had Mr. Hill in custody at 3:22.

Brian was arrested on September 21, 2018 and was in the Martinsville, VA jail until the day after his state case (3 months – if Piedmont had found a home for Brian, NC, Middle district had issued a warrant for his arrest due to the probation violation in November, 2018 (Nov. – May, 2019) is 6 months. According to Virginia state law there has to be intent as well as being obscene. Due to the carbon monoxide and autism and the threat to take photos or mom will be killed and the fact that Brian was not being obscene according to the police as well as the photos do not show that he was. The only report that night was someone who called at 3:12 AM that someone was running down the trail in the nude. That call was more concern. When someone is running, that is not being obscene, more someone who is panic and scared. The police had Brian in hand cuffs within 10 minutes from that call. Only the police saw Brian and the person in the car who saw someone running so called the police.

It appears that Brian was confused and didn't know what to do, was not aware that he needed to get his clothes on, that his clothes were in his backpack. He was confused when he left his house that night. How do we know this? Brian in his right mind knows that he has brittle diabetes, and when his blood glucose is high, his mouth is dry, he is real thirsty and has to urinate a lot. To feel better he needs insulin shots (1 fast acting at each meal and 1 slow acting daily and an extra shot some days when his blood glucose still stays up. The insulin shots if Brian gets too much exercise or doesn't eat regularly causes his glucose to go way down and causes insulin reactions and sometimes seizures, Brian has dealt with this since he was 21 months of age (1 year), Brian knows that he has to have someone close by 24 hours a day just in case his blood glucose goes down, and this happens in the middle of the night at home. His mom wakes up

at 4:30 in the morning, sets her alarm at that time every morning to check his blood glucose which is usually low at that time, and she has to give him some food/or and a sweet drink. Sometimes he calls her before this time to check his glucose. With Brian's OCD, he always uses hand sanitizers. This is the first time as an adult that Brian took off by himself and has been alone for that many hours day or night. His mom tries to check him every 2 – 3 hours and is close by in case he needs anything. The combination of brittle diabetes with seizures, autism, OCD and generalized anxiety, he requires 24 hour care and has from the time of his birth (He was born 2 months early).

Another thing due to Brian's autism, when he leaves the house to go anywhere he takes a large bag with things he may need for his diabetes or OCD such as insulin pen (needle) because he requires 4-5 insulin shots per day. He takes his monitor in case he or someone needs to test his glucose as well as testing supplies. He always has glucose tabs and sugar snacks or peanut butter crackers. He takes a small cooler for water, a sugar free drink and a sugar drink. He doesn't leave house without his hand sanitizer. These things he always takes every time he leaves his house. Some days he takes his big camera bag with his large black Kodak camera inside. If he and his mom are going hiking, he takes a large back pack with his emergency diabetic supplies and always his hand sanitizer. When Brian's mom & grandparents went to the Western Virginia Regional Jail at 5885 W. River Road in Salem, VA in January, 2019 to pick up Brian's things, we picked up a small backpack with Brian's clothes in it, 2 flashlights and a watch. There were no diabetic supplies and no hand sanitizer. His mom did not recognize the back pack. We saw from the NC court records that the camera the police confiscated was a pink camera. Brian's grandma gave Brian her old pink camera years ago, but his family have never seen him use that camera, just his black Kodak camera. When you research traits of autism as well as medical & mental effects of carbon monoxide, one can see why Brian was acting that way that night. Is this considered criminal behavior or is this an autism emergency as well as carbon monoxide gas exposure emergency? We have 2 sources of proof that Brian David Hill was out of it on September 21, 2018 as well as one month later and three months later.

First proof is in the Piedmont Community Services records. This is our mental health agency in Martinsville, VA. On October 24, 2018 Dr. Conrad H Daum, MD (Forensic Psychiatry, Neurology) visited Brian in jail. His diagnosis: (F29)

Unspecified psychosis not due to a substance or known physiological condition. Brian has had these diagnosis for years: (F42.9) Obsessive-compulsive disorder; (F84.0) Autistic disorder and (F41.1) Generalized anxiety disorder. His medical as recorded are: Brittle diabetes, IBS, Eczemia, Hypoglycemic seizures, hx. Concussions during seizures.

The next proof was in December 26, 2018 "Order for Psychiatric Evaluation 1226-18 document from the Roanoke, VA Western District of Virginia court. Where the court on its own motion finds that there is reasonable cause that the

defendant may be suffering from a mental defect" by Magistrate Judge, Robert S. Ballou. This was 3 months after Brian's last exposure to carbon monoxide gas in his apartment. He had been exposed to this gas from Oct. 2017 – Sept. 20, 2018 (had a bad fall & hospital records showed Sinus Tachycardia, possible left atrial enlargement and borderline ECG and high blood cell counts on Nov. 19, 2017). Even though hospital records show that Brian has diabetes requiring insulin and Autism (recorded automatically in hospital records), this hospital emergency room on Sept. 21, 2018 shows no blood test results, not even for his diabetes glucose. His pulse was 119. The one in November showed his blood glucose was 489 and his pulse was 118.

Brian filed many documents with the NC Middle District Court with proof documents about the carbon monoxide and hospital records. These are on Pacer Case 1:13-cr-00435-TDS Document 181 Filed 07/22/19 Page 1-10 of 10 with 10 exhibits following that. You can check Pacer Case 1:13-cr-00435-TDS Document 181-2 Filed 07/22/19 Page 1-2 of 2 for a copy of the letter from the chimney professional (Elmo Pete Compton of Ace Chimney Company) who discovered carbon monoxide gas causing the damage in Brian's apartment on January 30, 2019, removed the tin and put a chimney cap up with screen around the sides.

Some other proof documents:

7 PDFs: this letter; Community Services Report Oct 2018: court order from Roanoke, VA district court Dec. 2018; History of Brian (4 pages); letter about carbon monoxide gas; Jail schedule & Autism in the Criminal Justice System. photos of the fireplace in Brian's apartment from carbon monoxide gas with a copy that Brian sent for his court case in NC from the gentleman who discovered that someone had covered all 3 holes in their chimney with tin so there was no

place for the gas and water to escape from the gas hot water heater and the gas boiler/furnace. Brian's mom told about how it affected both of them in court on September 12, 2019.

We have some printed photos from the cards and threat mail Brian's mom received from December, 2017 until May, 2018. Brian's mom has the original cards & threatening letter. She did a video about that on May 26, 2018.

We also have graphics and PDF files about autism as well as information about brittle diabetes and Brian's other health problems and records from our mental community services. We have medical PDF's (hospital Nov. 2017 and hospital Sept. 2018) etc. in case you would want a copy of these.

Another autistic risk is "Wandering from home"

<https://www.webmd.com/brain/10-ways-to-prevent-wandering#1> Wandering is a risk associated with many conditions, such as autism spectrum disorder, Down syndrome, and dementia (which can result from Alzheimer's disease, stroke, head injuries, and Parkinson's disease). Whatever the condition, the anxiety for caregivers is the same.

Brian's family thought Brian's leaving his house was due to autism. After finding out about his exposure to carbon monoxide and that other diseases can get worse, then we realized that his leaving the house was due to the carbon monoxide causing his autism and OCD to worsen, but once carbon monoxide was removed, autism & OCD would not be as severe. The police department in Virginia and the court system in the middle district of NC have chosen to make this a criminal act with no compassion at all. Our question remains, are symptoms of autism criminal behavior?

To sum this up, Brian David Hill has brittle diabetes, seizures causing unconsciousness, autism, OCD, generalized anxiety and at the time of his leaving his house on Sept. 20, 2018 and adding to these, carbon monoxide poisoning causing sinus tachycardia and psychosis (medical records from Nov. 2017, Sept. 2018 and Oct. 2018 for proof).

Should someone with developmental disorder (Autism) be punished by our federal government and spend months in jail or prison due to his disabilities? Does Virginia courts not recognize autism when it is the cause of someone leaving his house at night, meeting someone in a hoody who threatens his mom

if he doesn't do what this guy orders him to do or his mom would be killed, especially when no laws were broken & no one else was involved or hurt. He was not being sexual or obscene but was in the wrong place alone in the nude in the middle of the night without his diabetic emergency supplies and was taken to a hospital which also did not take any blood test nor admit him for observation as the emergency room hospital notes prove that he was diabetic requiring insulin and has autism. Plus Brian has a disabled placard in his mom's car due to autism that impairs judgment which is a permanent developmental disability: Autism Spectrum Disorder. All of this information was sent to our Martinsville police department afterwards and was submitted to the federal court in the Middle District of North Carolina by Brian. We told this to Brian's attorney who said that the police don't have to look at anything that Brian sent to them. Brian is a citizen of Martinsville, VA who was making sure that the police knew all of the circumstances as to why he was alone in the nude walking the trails that night which was abnormal behavior for him and very dangerous for him and with concerns about threats his mom received. The guy in the hoody should have been investigated by the police on September 21, 2018. The carbon monoxide gas should have been investigated by the police as well as the cards & threatening letter from Nashville, TN with no return addresses that Brian's mom received especially after this person made that threat to Brian about killing Brian's mom if Brian didn't get in the nude and take photos of himself on Sept. 21, 2018 (before the year's end). If a chimney company put tin over all 3 holes in the chimney causing carbon monoxide gas from a gas hot water heater and a gas boiler/furnace which went unnoticed for over a year, caused physical damage to Brian, his mom and physical damage to their home, there should have been an investigation. Did the chimney company put that tin covering all holes in the chimney or did someone else? Our Martinsville police ignored this letter and did not bother to contact Martinsville citizens: Brian or his mom, Roberta Ruth Hill about it. Brian's grandparents (Ken & Stella Forinash) who also live in Martinsville, VA and are witnesses were never questioned by our Martinsville, VA police. Instead of investigating, the police arrested and made Brian their criminal and punished Brian when the Virginia laws clearly state that : Indecent exposure involves intent, being sexual and obscene which Brian has proven that he had no intent to be sexual, was not sexual or obscene. He was a victim of carbon monoxide gas, autism and threats real or imagined that night not a criminal. NC Transcript from NC Middle District court on September 12, 2019 proves that.



I, **Stella B. Forinash**, declare pursuant to Title 28 U.S.C. section 1746 under penalty of perjury under the laws of the United States of America that what I have written here is true and correct to the best of my knowledge.

*Stella B. Forinash*


**Stella B. Forinash**

**201 Greyson St.**

**Martinsville, VA 24112**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DEC 26 2018

JULIA C. DUBLEY, CLERK  
BY:   
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

BRIAN DAVID HILL

)  
)  
) Criminal No. 7:18-mj-00149  
)

ORDER

This matter came before this Court on 12/26/2018, pursuant to a Petition for Revocation under supervised release from the Middle District of North Carolina. The court, on it's own motion, finds that there is reasonable cause to believe that defendant may be suffering from a mental defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceeding against him or to assist properly in his defense. The Court also finds that it is necessary to determine the existence of insanity at the time of the offense.

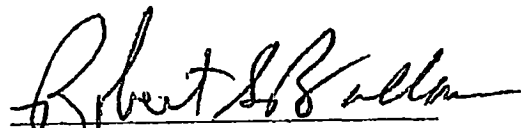
Therefore, it is hereby **ORDERED** pursuant to Title 18, United States Code, Sections 4241(b) and 4242(a), that the defendant, Brian David Hill , be committed to the custody of the Attorney General for a period not to exceed forty-five (45) days in accordance with Title 18, United States Code, Section 4247(b) and (c). This Court recommends to the Attorney General the facility at Federal Correctional Institution, Butner, North Carolina for hospitalization and treatment. Furthermore, the United States Marshal shall transport defendant to a suitable facility when sufficient space for defendant becomes available.

Upon the completion of the examination, the examining psychiatrist/psychologist shall report his/her findings to the Court with a copy thereof to Randy Cargill, counsel for the defendant, Federal Public Defenders Office, Suite 420, 210 First Street SW, Roanoke VA

24011; and Kari Munro, Assistant U. S. Attorney, 310 First Street, SW, Room 906, Roanoke, VA 24011; as to the following matters pursuant to Title 18, United States Code, Section 4247(c), and shall include information as directed in Title 18, United States Code, Section 4247(c)(1), (2), (3), (4)(A) and (B): 1) defendant's history and present symptoms; 2) a description of the psychiatric, psychological, and medical tests that were employed and their results; 3) the examiner's findings; and 4) the examiner's opinions as to diagnosis, prognosis; whether the person is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and whether the defendant was insane at the time of the offense charged. The United States Marshal shall arrange for return transport from the facility to this division upon being notified by the facility that it has completed its evaluation.

The Clerk of this Court shall certify a copy of this Order to each of the following: United States Marshal, Western District of Virginia, Roanoke, Virginia; Randy Cargill, counsel for the defendant; Kari Munro, Assistant U. S. Attorney, Roanoke, VA; and U. S. Probation Office, Roanoke, Virginia.

Enter: 12/26/2018



Robert S. Ballou  
United States Magistrate Judge

PIEDMONT COMMUNITY SERVICES

Martinsville Office

64712

7-17-19

20


RECEIVED OF Brian Hill  
Whirteen + 00 DOLLARS

FOR Medical Records

CLIENT # 174826 AMOUNT PAID \$ 13.00

CASH     MONEY ORDER     CHECK    CHECK # \_\_\_\_\_

BALANCE DUE \$ \_\_\_\_\_ BY [Signature]

 <b>Piedmont Community Services</b> 13 MOSS ST SOUTH MARTINSVILLE, VA 24112	
Client Name: BRIAN HILL	SSN/Acct # ██████████ 80319 / 174826
Address: 310 FOREST ST APT 2 MARTINSVILLE VA 24112-4939	Date/Time: 10/24/2018 9:51 AM to 10:23 AM
Insurance:	Employee Name: CONRAD DAUM / MD
Diagnosis:	Visit Type/CPT Med Note [Jail] / Nonbill
DOB 5/26/1990	
Notes: Non-Face-to-Face Service	
<b>HISTORY</b>	
<p><b>Chief Complaint: Notes:</b>                  "guy in hodie threatened to kill my mother if I didn't do what he said" "meltdown" He was arrested for walking down the street naked and charged with a probation violation.</p> <p><b>History of Present Illness (HPI): Notes:</b>                  local is mental, quality he agreed to zyprexa and zoloft. severity moderate, duration 1st admit 2013 ONLY, time of tx start here 2013, context jail inmate. associated he was convicted for child porn and is on sex registry. He believes he was convicted unfairly by a conspiracy of the court officials. He believes Critical documents proving his innocence were deliberately destroyed. Modify is tx accepted, ills see med hx.</p> <p><b>Past Medical / Family Medical / Social Hx:</b>                  LEGAL HX: He would only discuss the child pron and probation violation convictions.</p> <p>PSYCH HX: He tried suicide, but no family hx, he denied wanting to harm self or others the past month. He denied any SUD or tobacco, Hx autism, OCD, GAD</p> <p>MEDICAL HX: Diabetes, IBS, Eczema, op only wisdom teeth, no fx hx, hypoglycemic seizures, hx concussions during seizures.</p> <p>FAMILY HX: 0 kids, 1/2 sisters=2, 0 brothers, mom living, dad hx unknown no hx of inpatient , SUD, jail. Hx Hypertension, ulcerative colitis,</p> <p>SOCIAL HX: born Orlando FL, raised NC, some HS, single, no church, on disability, lives alone with caretaker's help.</p>	
<b>Review of Symptoms (ROS)</b>	
<p><b>Constitutional: Notes:</b>                  sleeping ok</p> <p><b>Eyes: Notes:</b>                  see ok</p> <p><b>Ears, Nose, Mouth, Throat: Notes:</b>                  hear ok</p> <p><b>Cardiovascular: Notes:</b>                  no chest pain</p>	

**Respiratory: Notes:**

breathing ok

**Musculoskeletal: Notes:**

no LBP

**Integumentary (skin and/or breast): Notes:**

no tattoos

**Neurological: Notes:**

seizure hx and diabetic foot neuropathy

**Endocrine: Notes:**

diabetes

**Hematologic/Lymphatic: Notes:**

no nodes

**Allergic/Immunologic: Notes:**

allergy see list

**Genitourinary: Notes:**

bladder frequency

**Gastrointestinal: Notes:**

GERD SX, episodic diarrhea

**EXAM**

**Constitutional Vital Signs:**

**Musculoskeletal**

**Muscle strength and tone: Notes**

ok

**Gait and station: Notes**

ok

**Behavior**

**Appearance:** Well-groomed

**Activity:** Normal

**Attitude:** Cooperative

**Articulation (Speech):** Normal Rate, Rhythm, Volume

**Sensorium**

**Consciousness:** Alert

**Orientation:** Full

**Memory:** Intact

**Attention/Concentration:** Adequate

**Emotion**

**Affect:** Comfortable and Reactive

**Mood:** Euthymic

**Congruency:** Congruent

**Suicidal Ideation:** None

**Homicidal Ideation:** None

**Thought**

**Thought Process:** Goal-directed

**Thought Content:** Delusional

**Intelligence:** Average

(based upon fund of knowledge, comprehension, and vocabulary)

**Insight:** Full

**Judgement:** Intact

**Perception:** Normal

**Impression**

**Brief summary of present status of case:** Notes  
aims=0

**DIAGNOSES**

**Current Diagnoses:**

**Effective Date :** 10/24/2018

1 (F42.9) Obsessive-compulsive disorder, unspecified

**Diagnosed By :**      **Diagnosed Date :**

**Onset Date :**      **Previous Onset Date :**

**Onset Prior to Admission:**

**R/O:** No

**Notes:**

**Date Updated:** 03/21/2017

**SNOMED:** -

2 (F84.0) Autistic disorder

**Diagnosed By :**      **Diagnosed Date :**

**Onset Date :**      **Previous Onset Date :**

**Onset Prior to Admission:**

**R/O:** No

**Notes:**

**Date Updated:** 03/02/2016

**SNOMED:** -

3 (F29) Unspecified psychosis not due to a substance or known physiological condition

**Diagnosed By :**      **Diagnosed Date :**

**Onset Date :**      **Previous Onset Date :**

**Onset Prior to Admission:**

**R/O:** No

**Notes:**

Date Updated: 10/24/2018  
SNOMED: -

4 (F41.1) Generalized anxiety disorder  
Diagnosed By : Diagnosed Date :  
Onset Date : Previous Onset Date :  
Onset Prior to Admission:  
R/O: No  
Notes: BRITTLE DIABETES  
Date Updated: 10/24/2018  
SNOMED: -

WHODAS 2.0 General Disability Assessment Date:  
Raw Score: Avg Score:  
Cognition:  
Mobility:  
Self-care:  
Getting along:  
Life activities:  
Participation:

**Psych Diagnoses & Status**

Diagnosis: all  
Status: Stable

**Medical Diagnoses & Status**

**COLUMBIA ASSESSMENT**

- 1) Wished to be Dead:**  
Have you wished you were dead or wished you could go to sleep and not wake up?: No
- 2) Suicidal Thoughts:**  
Have you actually had any thoughts of killing yourself?: No
- 6) Suicidal Behavior Question:**  
Have you ever done anything, started to do anything, or prepared to do anything to end your life?: Yes  
Was this within the past three months? (please explain): No

**SUMMARY**

Service Modality: Non-Face-to-Face Service


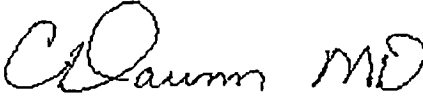
**Current Medications:**  
Medication: insulin aspart U-100 100 unit/mL subcutaneous solution  
Start Date: 10/24/2018  
Dosage:  
Frequency:

Medication: olanzapine 2.5 mg tablet  
Start Date: 10/24/2018  
Sig: Take 1 Caplet By Oral Route 1 time at bedtime for mood swings

Medication: sertraline 50 mg tablet  
Start Date: 10/24/2018  
Sig: Take 1 Caplet By Oral Route 1 time after breakfast for anxiety

Plan  
Medication Changes: .  
Next Appointment: Date  
prn  
E/M Level: 5  
E/M Score: 5



<p>Employee Signature</p>  <p>10/24/18 2:51 PM CONRAD DAUM - MD MD</p>
 <p>Supervisor's Signature Approved by CDAUM on 10/24/18 CONRAD DAUM, MD, MD</p>

Dr. Conrad H Daum, MD is a Doctor primarily located in Martinsville, VA, with another office in Blacksburg, VA. He has 48 years of experience. His specialties include Addiction Psychiatry, Forensic Psychiatry, Geriatric Psychiatry, Psychiatry and Neurology. He speaks English.

PIEDMONT COMMUNITY SERVICES 24 Clay St Martinsville, VA  
24112 - (276) 632-7128

New River Valley Community Services 700 University City Blvd  
Blacksburg, VA 24060 - (540) 961-8300

# Exhibit 14

USWGO

QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS

MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138

MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"





Roberta taking  
photo of wall &  
ceiling around  
Brian's Fireplace  
March 2019

carbon monoxide gas  
& water from gas  
boiler/furnace &  
gas hot water heater





Ceiling above  
Brian's fireplace  
and below  
Roberta's fireplace  
hearth in  
Brian Hill's  
apartment

Photo by Roberta  
(Brian's mom) in  
March, 2019







water & gas  
damage on  
wall beside  
of fireplace  
in Brian's apartment  
photo by Roberta  
Hill in March  
2019



Photo by Brian's  
Grandpa Ken  
Brian's fireplace  
right before  
repairs  
April, 2019







Brian's fireplace  
in his apartment  
after repairs  
photo by Brian's  
mom, Roberta  
April, 2019





2019/07/15 17:35

168



carbon monoxide  
gas & water  
damage still  
in fireplace  
in JULY, 2019

cm cold damage -  
detector says  
"No carbon monoxide  
- registers at "0")

# Exhibit 15

USWGO

QANON // DRAIN THE SWAMP

**U.S.W.G.O.**

PETITION FOR WRIT OF HABEAS CORPUS

MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138

MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"



# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

**U.S.W.G.O.**

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

To Whom This May Concern:

On January 30, 2019 I went to the house at 310 Forest St., Martinsville, Va 24112 to measure and give a price for a Chimney cover. Roberta Hill and her parents: Ken & Stella Forinash escorted me to Apt 1 to show me the fireplace which had a small amount of white residue inside, no damage to the ceiling and wall around the fireplace. They then escorted me downstairs to Apt 2 where parts of the ceiling above the fireplace had fallen and there was a lot of damage in the remaining ceiling below the hearth of the fireplace in apt 1 located above apt 2 and a lot of damage along the wall in apt 2 above and on both sides of the fireplace as well as a lot of white residue inside of the fireplace. After this, we went down another flight of stairs to the basement where the gas boiler heater and the gas hot water heater were located to show me that there would be 3 holes in the chimney.

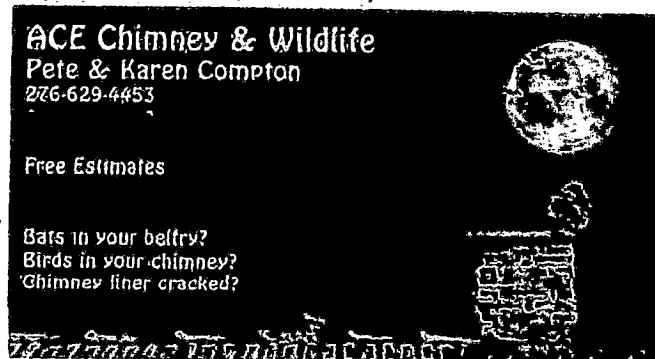
I then went outside and got my ladder to measure the chimney. This was when I found out that all 3 holes were covered with tin. Knowing that the gas boiler heater & gas hot water heater needed to be vented at all times, I immediately removed the tin covering the hole so carbon monoxide would no longer go through the house. Ms Hill had informed me that she had called a chimney sweep in Rocky Mount, VA in October, 2017 to clean the chimney and to put screen on all holes after the family spotted birds going into their fireplace the year before. In my 25 years of doing this type of work, this was the first time I have ever seen tin covering holes where it is important to vent gas heaters. I showed the family the tin I had just removed and had them to climb my ladder to look at the chimney. We then went back in the house, and I informed them that the white residue inside both fireplaces was from the gas that had no other place to escape and informed them that they had been exposed to carbon monoxide poisoning, but now that the tin had been removed, there should no longer be any problems. I returned to the house on February 4, 2019 and installed a stainless steel multifaceted chimney cap vented with screen on all 4 sides.

Signed as a witness on this date: Kenneth R. Forinash 6-13-19

Pete Compton # 6-13-19

Pete Compton ACE Chimney & Wildlife; Bassett, VA

Phone 276-629-4453



# Exhibit 16

USWGO

QANON // DRAIN THE SWAMP

**U.S.W.G.O.**

PETITION FOR WRIT OF HABEAS CORPUS

MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138

MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"

# Exhibit 0

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

**Evidence to Martinsville Police explaining why indecent exposure**

**Finalized: Thursday, July 18, 2019 - 11:14 PM**

**ATTN: Police Chief G. E. Cassady – Carbon Copy should be made for: Sgt. R. D. Jones**  
Martinsville Police Department  
55 West Church St. Martinsville, VA 24112  
Phone #: 276-638-8751  
Fax #: 276-403-5306  
Certified Mail tracking no.: 7017-2680-0000-5750-9122  
Return receipt tracking no.: 9590-9402-3527-7275-7497-41

ATTN: Police Chief G. E. Cassady; CC: Sgt. R. D. Jones

Dear Hon. Police Chief of Martinsville, Virginia,

I would like to respectfully reach out to your Police Department to bring evidence to your attention which will explain a lot of things and resolve the issue of indecent exposure which your officer Sgt. R. D. Jones had arrested me for on September 21, 2018, General District Court case no. C18-3138, and Circuit Court case no. CR19000009-00. This case has also been the cause of many pleadings being filed on and after Documents #152 on federal court case no. 1:13-cr-435-1, Middle District of North Carolina, concerning the indecent exposure charge.

I also apologize for saying a few cuss words to Sgt. R. D. Jones last year. I have had the diagnosis of Autism Spectrum Disorder (a neurological and mental disorder) for a long time and even have a handicap placard in the Virginia DMV system in Martinsville, as proof of my Autism. However my letter isn't to only inform you of proof concerning my Autism in the Virginia DMV records, but that I wish to present evidence of carbon monoxide gas poisoning which affected me and Roberta Hill (my mother) prior to me being arrested on September 21, 2018. The evidence comes from different sources. Whether the man in the hoodie had existed or whether it was an hallucination caused by the Carbon Monoxide ("CO") gas poisoning, it would give your police department better clarification on why Brian David Hill had made contradictory and/or confusing statements back on September 21, 2018.

Sgt. R. D. Jones was right when he told me that there was more to the story. The proof is now in your hands, that I was a victim of CO gas poisoning since November, 2017. The time of the toxin accumulating in the bloodstream can cause real brain damage, and can lead to inappropriate behaviors, hallucinations, psychosis (*that the person makes a claim that cannot be based on reality*), mental confusion, Sinus Tachycardia, abnormally high

9590-9402-3527-7275-7497-41 – Pages 1 of 9 – 7017-2680-0000-5750-9122

White Blood Cell (“WBC”) count, abnormally high Mean Platelet Volume (“MPV”), and can cause erratic or abnormal type behaviors and/or even changes in behavior.

I would also like to thank your police department, even though they didn't understand why I was naked due to lack of evidence giving a clear proven explanation for why I was out naked, for arresting me and here is why. Had I not been taken out of my apartment and thrown in jail, I would have still suffered more of the carbon monoxide gas and either would have died or suffered enough brain damage to become mentally retarded. I never would be able to live life outside of a hospital or medical facility again had I remained in carbon monoxide poisoning. Luckily, after I was arrested, my mother [who was my caregiver through the Medicaid medical waiver] was forced to work a regular warehouse job where she wasn't home most of the day, each day. So she wasn't around the carbon monoxide gas 24/7 but she still had exposure to such gas in the upper apartment.

The carbon monoxide would explain the weird behavior on September 21, 2018. It doesn't make sense for somebody to be walking out butt naked on a hiking trail at night when wild animals including bears and coyotes were out and can kill an unarmed civilian, especially a naked unarmed civilian. I have type 1 brittle diabetes. I could have died of diabetic low blood sugar which could cause a seizure. I was alone on the hiking trail (*except for what I presumed to be a man wearing a hoodie, he may be real, he may be a hallucination which I had perceived was real*), with brittle Type 1 diabetes, I make statements on federal court record to having blackouts of my memory, stating that I thought I was drugged around the time I met the man wearing the dark hoodie, I was making contradictory statements towards Sgt. R. D. Jones of law enforcement causing him to personally feel that I was some kind of liar, when in reality carbon monoxide poisoning can have you feeling like you're being watched when you're not or having you see things that other people do not see.

I list all proofs in the following Order of Exhibits:

Exhibit 1) 1-Page typed letter statement from chimney expert witness Pete Compton – Explains that on the date of January 30, 2019, he found evidence of carbon monoxide gas exposure in Apartment 2 and Apartment 1 of 310 Forest Street, Martinsville Virginia, and removed the source of the carbon monoxide gas. The source was metal tin blocking the chimney flues, causing the natural gas appliances (*gas water heater and gas boiler/furnace*) to exhaust gas into both apartments rather than up the chimney. Causing real damage to the home, and

possibly causing bodily damage and/or brain problems to Brian David Hill and Roberta Hill. **Total of 1-page.**

**Exhibit 2)** Two pages of laboratory results from Sovah Hospital Martinsville medical records from November 19, 2017. One page of ECG reading showing evidence of Sinus Tachycardia (“HILL, BRIAN ID: 000370912 19-Nov-2017 10:06:44 Memorial Hospital of Martinsville”). The other page was Lab Data Results (“MM00370912 MM7805836274 SOVAH Health - Martinsville”, “Lab Data Results - Page 1/3 Job 12468 (07/02/2019 14:03) - Page 28 Doc# 9”). Showed abnormally high WBC and MPV levels, as well as abnormal high blood pulse of 105 Beats Per Minute. Usually heart rate goes up when your out jogging, but Brian wasn't jogging because Brian fell and hit his head on the desk in his office after he fell unconscious. Then Brian was able to get up while unconscious, with blood dripping down from his head with an open wound, blood dripped all over the floor and blood was all over his bedroom pillow. Brian's mother found him in his bed, with blood on the pillow with low blood sugar and had called 911. Brian took 4 hours to complete his Obsessive Compulsive Disorder (“OCD”) hand washing routine and body washing routine before he was able to get to the Emergency Room at the hospital. The hospital prematurely released him that day without informing Brian of the laboratory results and without informing Brian of the Sinus Tachycardia. Doctor was not informed either, so the abnormal readings were sitting in the medical records until June, 2019. 1-page discharge instructions also included (“MM00370912 MM7805836274 SOVAH Health – Martinsville”, ”Discharge Instructions - Scanned - Page 1/3 Job 12468 (07/02/2019 14:03) - Page 13 Doc# 6”, “MM00370912 MM7805836274 SOVAH Health – Martinsville”, ”Discharge Instructions - Scanned - Page 2/3 Job 12468 (07/02/2019 14:03) - Page 14 Doc# 6”). **Note for police:** Sinus Tachycardia type abnormal blood pulse was discovered in the “vital signs”, around 9:08AM the blood pulse reading for a resting blood pulse was “118” (page not included to condense different proofs without too many pages, if any police officer would like the entire medical record, they may contact Brian D. Hill or Sovah Hospital of Martinsville, Virginia). **Total of 4-pages.**

**Exhibit 3)** 5 pages from a “Carbon monoxide poisoning (acute)” research study from the National Institute of Health which is a federal government organization. Mentions symptoms of carbon monoxide (BMJ Clin Evid. 2008; 2008: 2103. Published online 2008 Jul 23. PMID: PMC2907971. PMID: 19445736). **Total of 5-pages.**

**Exhibit 4)** 2 page excerpt from “TRANSIENT CARDIAC DYSFUNCTION IN

**ACUTE CARBON MONOXIDE POISONING” a medical research study in regards to a victim of carbon monoxide poisoning. Total of 2-pages.**

**Exhibit 5) 4-page “Detection of neutrophil–lymphocyte ratio as a serum marker associated with inflammations by acute carbon monoxide poisoning” backed by 5 research studies including a state hospital (Mustafa Karabacak, Kenan Ahmet Turkdogan, Abuzer Coskun, Orhan Akpinar, Ali Duman, Mucahit Kapci2, Sevki Hakan Eren, Pinar Karabacak). Journal of Acute Disease 2015; 4(4): 305–308. Total of 4-pages.**

**Exhibit 6) 2-page report from the Centers for Disease Control and Prevention (“CDC”) titled the “CDC - NIOSH Publications and Products - Controlling Carbon Monoxide Hazard in Aircraft Refueling Operations (84-106)”. Relevant to carbon monoxide as it mentions the generalized symptoms of carbon monoxide (“CO”) gas poisoning. Total of 2-pages.**

**Exhibit 7) Three anonymous greeting cards (possibly with an intent to annoy, harass, or intimidate) and one anonymous threatening greeting card from an unknown assailant or assailants who sent the four mailings from Tennessee with no return address. Total of 20-pages.**

**Exhibit 8) 4 Pages of evidence in regards to proof of mental confusion while in Martinsville City Jail. Two envelopes meant to be sent to a Greensboro, NC federal building, was instead sent to the Greensboro federal building in Martinsville, VA, when Martinsville has no federal buildings. The other mailing was sent to the city farm instead of “55 West Church Street”. All three mailings were returned to sender because the addresses didn't make any sense. Total of 4-pages.**

**Exhibit 9) 6 pages from Piedmont Community Services, a month after Brian David Hill was jailed in Martinsville City Jail for the charge of indecent exposure, Brian was diagnosed by forensic psychiatrist Dr. Conrad Daum as to having exhibited psychosis and delusions. Psychosis (as shown in Exhibit 3), is a symptom of carbon monoxide gas poisoning. Total of 6-pages.**

**Exhibit 10) Proof of medical neglect from Sovah Hospital in Martinsville (formerly Martinsville Memorial Hospital). They drawn blood and was going to do a “blood count” test which would have again possibly shown an abnormally high White Blood Cell count and high MPV levels, had the test been conducted. Instead the blood was wasted and the ordered tests were to be deleted from the**



chart. Then the hospital released patient Brian David Hill way too early to the custody of Martinsville Police, leading to the wrongful imprisonment of Brian David Hill and led to the carbon monoxide levels never being found out. 7 pages of Hospital record, dated September 21, 2018 (MRN: MM00370912, Account#: MM7806761243). **Note for police: Sinus Tachycardia ("MM00370912 MM7806761243 SOVAH Health - Martinsville", "ED Physician Record - Electronic - Page 2/4 Job 23328 (05/17/2019 13:34)- Page 5 Doc# 2") type abnormal blood pulse was discovered in the "vital signs" The first blood pulse reading around 4:09AM was "119" for a resting pulse, then around 5:01AM the last resting blood pulse reading was "106". Any blood pulses above 100 beats per minute is "sinus tachycardia". Sinus Tachycarda means that there is a medical problem in the body, and doesn't necessarily mean a heart problem but can increase the risk of a heart attack or stroke. I was released to Martinsville City Jail while medical records admitted that I had sinus tachycardia before I was arrested after being transported to the Hospital after police handcuffed me. Total of 7- pages.**

Total of 55 pages for all Exhibits. The Exhibit with the most pages is the greeting cards evidence because the writer of those greeting cards who threatened to commit a "controlled action" against Brian D. Hill's mother Roberta Hill sounds like some kind of religious psychopath who wants Roberta to stop the YouTube videos and books. A threat is a threat and threatening to do something to somebody to stop their freedom of speech is against the law.

It should also be noted that evidence had been mailed to the Martinsville Circuit Court in regards to both federal court affidavits (declarations) in regards to the story about the man wearing the hoodie and carbon monoxide poisoning.

Document Seq. 4, 01/23/2019, MOTION TO ADMIT EVIDENCE

Document Seq. 7, 04/08/2019, MOTION TO FILE EVIDENCE BEFORE TRIAL

Document #153 in case no. 1:13-cr-435-1, Middle District of North Carolina, contained statements of Brian David Hill in 2018 having memories blacked out, feeling of being drugged, feeling afraid to sleep in his bed but yet kept his doors unlocked as if needing to escape the house out of fear that something wasn't right. If you have access to a copy of this federal filing which should have been filed with the Circuit Court earlier this year, you will notice that the hand writing was very sloppy compared to other pro se filings.

The truth must be brought out to your Police Department before it is too late. It is morally and ethically wrong to force a trial by jury for a charge of indecent exposure when there is enough cumulative evidence showing different symptoms of CO gas poisoning, evidence of CO residue in and around the chimney of 310 Forest Street Apartments found by material expert witness Pete Compton. This is enough evidence for any reasonable juror to want to throw the charge out.

Your police department isn't at fault for the medical neglect, but that it was Sovah Hospital in Martinsville, Virginia, that discharged me to police custody way too early and caused me to appear to look like a liar, I misunderstood as I didn't understand that I had carbon monoxide poisoning with sinus tachycardia, so I had wrongfully cussed out Sgt. R. D. Jones on September 21, 2018. I am sorry about that, the Hospital staff were the ones in the wrong for releasing me when they saw that I had a blood pulse rate of over 100 which is sinus tachycardia but released me to jail without further testing, and the hospital's failure on November 19, 2017, is the sole cause for what led up to my indecent exposure behavior because they knew that I had exhibited 3 different problems (abnormal WBC, abnormal MPV, Sinus Tachycardia, didn't even let my Medical Doctor know) and failed or refused to keep me confined to the hospital bed until further lab tests were done to determine as to why I had abnormal blood cell counts and Sinus Tachycardia which can all be caused together by carbon monoxide gas poisoning exposure.

On September 21, 2018, the hospital was going to order different lab results after blood was drawn, but they refused the responsibility of conducting the lab work for the blood drawn into vials, and forced the Police Department to have the burden of testing me for possible drugs, alcohol, and abnormal blood cell count. The Police Department has no laboratory results from what I understand when I had asked my former attorney Scott Albrecht to find the laboratory results, so the hospital failed and refused (by their excuses) to do a thorough lab-work and examination to determine medical-wise as to why I was found butt naked on the Dick and Willie hiking trail during the night and had sinus tachycardia level readings.

I do not blame anybody in Martinsville Police Department for refusing to hear my story or misunderstood and thought I was a liar due to me making contradictory statements while I was interviewed as to why I was butt naked on the Dick and Willie hiking trail on September 21, 2018. I do not blame your Police Department for assuming that I was lying and didn't want to believe my story, because I myself did not know that I was under carbon monoxide poisoning. I said the F-word out of frustration to Sgt. R. D. Jones for not believing my story, not understanding why exactly I was sounding contradictory. Now that I know it was carbon monoxide poisoning, it explains my

behavior and a lot of things.

As far as all your officers were aware, I was dazed and/or confused while naked, I had cuts and abrasions all over my body, I had sinus tachycardia with a resting blood pulse reading of "119" on the day that I was jailed, I was prematurely released from the hospital without conducting the proper laboratory work to determine why I was butt naked on a hiking trail at night, and making contradictory statements because I had mental confusion. The man in the hoodie may have been a hallucination, it may not be, but the fact that I was making confusing statements to Sgt. R. D. Jones and then cussing him out when I haven't ever cussed out law enforcement before, shows behavioral abnormality. When I was given the mental evaluation ordered by the General District Court in November, 2018, the carbon monoxide would have been out of my body/system around that time, so the psychologist that evaluated me would never have seen any of the symptoms of carbon monoxide unlike the diagnosis of "psychosis" by Dr. Daum of Piedmont Community Services, as he had evaluated me and diagnosed me with "psychosis" closer to the time that I was arrested. So for the psychologist in November to say that I was competent to stand trial and was competent at the time of the offense, did not take any of the issues I had raised into account. Therefore that mental evaluation of November 2018 is no longer valid and a new evaluation should be conducted by the Circuit Court if the Commonwealth Attorney wishes to continue the jury trial. That 2018 evaluation had not known about the sinus tachycardia, and all other cumulative evidence which altogether paints a pretty convincing picture of carbon monoxide poisoning, did not know about the mental confusion where three letters were sent to the wrong addresses and were returned to sender before Brian David Hill was given a diagnosis of "psychosis" and delusions.

These are the carbon monoxide symptoms I had exhibited while I had been exposed to Carbon Monoxide gas in my apartment: (1) Sinus Tachycardia; (2) abnormally high White Blood Cell count; (3) abnormally high Mean Platelet Volume level; (4) abnormal high heart rate of 105 Beats Per Minute for a resting heart pulse rate; (5) Psychosis; (6) possible hallucinations; (7) mental confusion; (8) impulsive or inappropriate behavior (personality changes) which was not normally exhibited; and (9) loss of consciousness on November 19, 2017. I also remember that there were times when I may have had "Urinary incontinence" because when I was coughing or sneezing some urine went into my underwear even though at the time I did not have to run to the bathroom. I never thought that was also another symptom of CO gas poisoning, I assumed that it was high blood sugar. Exhibit 3 mentions "incontinence".

Also note to Police: Witness Stella Forinash and Kenneth Forinash had witnessed my mother Roberta Hill's head was shaking a lot, which looks like she had Parkinson's

disease. So my mother had exhibited the symptom of “Parkinsonism” as documented in Exhibit 3.

So I have up to at least 8 or more symptoms of carbon monoxide, and that doesn't include the testimony from Pete Compton. He is willing to be questioned by your Police Department and Commonwealth Attorney in regards to my home being exposed to possibly up to dangerous amounts of CO gas. When exposure is for many months, it can deteriorate someones health and mental state.

The attached evidence and explanation in this letter shall be more evident, clear, and believable compared to my September 21, 2018 statements about a man wearing a hoodie. There may still be a man wearing a dark hoodie, as Exhibit 7 showed that my mother had received a threatening greeting card where a “controlled action” would be conducted against her if she had not cease her writings and YouTube videos. Whatever the case may be, there is more to the story, and I didn't even know on September 21, 2018, that I was under carbon monoxide poisoning. My apologies to officer R. D. Jones.

Had I known about the carbon monoxide poisoning in November 2017 when I had abnormal lab results, I would have taken steps to evacuate my home until the Henry County Fire Marshal and inspectors and the Fire Department would have been notified, investigated the carbon monoxide, and would have rid the home of the poison/toxin before I would move back into my apartment. That would have prevented me from engaging in the act of being naked on the Dick and Willie hiking trail on September 21, 2018, and thus the charge of indecent exposure never would have been filed against me. The hospital of Sovah Hospital in Martinsville is to blame for not preventing what led up to my abnormal behavior on September 21, 2018, for failing and refusing to thoroughly conduct further laboratory tests which would have led to the discovery of carbon monoxide levels in my body. Because the hospital failed to investigate why I had dangerously high white blood cell count in November 2017 after my severe fall in November (*could have been cancer, an infection, etc etc*) and Sinus Tachycardia, they failed to find the levels of carbon monoxide and thus put me wrongfully under criminal liability of indecent exposure on September 21, 2018. Sovah Hospital is responsible for all of my suffering that was caused by me being under carbon monoxide poisoning. I shouldn't be imprisoned as a result of this wrongful charge of indecent exposure which would be an insult to justice.

Therefore I present this evidence, all attached evidence, to your Police Department pursuant to the criminal investigation and charge of indecent exposure on September 21, 2018. This evidence will also be forwarded to the L. Richardson Preyer Federal Building and United States Courthouse to file as evidence pertinent to the

Supervised Release Violation charge, and may also be filed as evidence in the Circuit Court in a new pro se motion to Admit Evidence for the Jury Trial.

I am sorry I didn't notify you about this issue earlier, but I wanted to gather as much proof as humanly possible before mailing it all to you. I am retaining a copy of this evidence for the record and will be filed with the Federal Court as well. I hope that you can reopen the investigation into the indecent exposure and place this evidence in your investigative file for that case.

Thank You, God Bless America

Signed, Brian D. Hill  
*Signed*

Brian D. Hill

Former U.S.W.G.O. Alternative News reporter

Phone #: 276-790-3505

Mailing Address: 310 Forest Street, Apartment 1, Martinsville, Virginia 24112

**U.S.W.G.O.**

**QANON – DRAIN THE SWAMP**

Amazon: The Frame Up of Journalist Brian D. Hill

Stanley's 2255 blog: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

Brian D. Hill asks President Donald John Trump and QANON for help

– Exhibits Attached Hereto –

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**ATTN: Chief G. E. Cassady  
Martinsville Police Department  
55 West Church St.  
Martinsville, VA 24112**



9590 9402-3527 7275-7497 41

2. Article Number (Transfer from service label)

7017 2680 0000 5750 9122

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Insured Mail

Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

Domestic Return Receipt

USPS TRACKING #



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 3527 7275 7497 43

United States  
Postal Service

\* Sender: Please print your name, address, and ZIP+4® in this box\*

**U.S.W.G.O.**

Brian D. Hill  
310 Forest Street, Apt. 1  
Martinsville, VA 24112

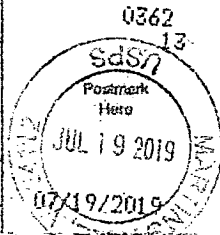
*Brian D. Hill*  
*Signed*

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For a Delivery Confirmation visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee	\$2.80
Extra Services & Fees (check box, add fee as applicable)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.80
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$7.35
Total Postage and Fees	\$9.95



ATTN: Chief G. E. Cassidy  
 Martinsville Police Department  
 55 West Church St.  
 Martinsville, VA 24112

7017 2680 0000 5750 9122

MARTINSVILLE  
 1123 SPRUCE ST.  
 MARTINSVILLE, VA 24112-9996  
 515652-0362  
 (800)275-8777  
 07/19/2019 09:12 AM

Product	Qty	Unit Price	Price
PM 1-Day (Domestic) (MARTINSVILLE, VA 24112) (Weight:0 Lb 13.30 Oz) (Expected Delivery Day) (Saturday 07/20/2019)	1	\$7.35	\$7.35
Return Receipt (USPS Return Receipt #) (9590940235277275749741)			\$2.80
Cert Mail RstrDel (Recipient name) (G E CASSADY) (USPS Certified Mail #) (7017268000057509122)			\$8.80
<b>Total:</b>			<b>\$18.95</b>

Cash \$20.00  
 Change (\$1.05)

Includes up to \$50 insurance

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

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# Exhibit 17

USWGO

QANON // DRAIN THE SWAMP

**U.S.W.G.O.**

PETITION FOR WRIT OF HABEAS CORPUS

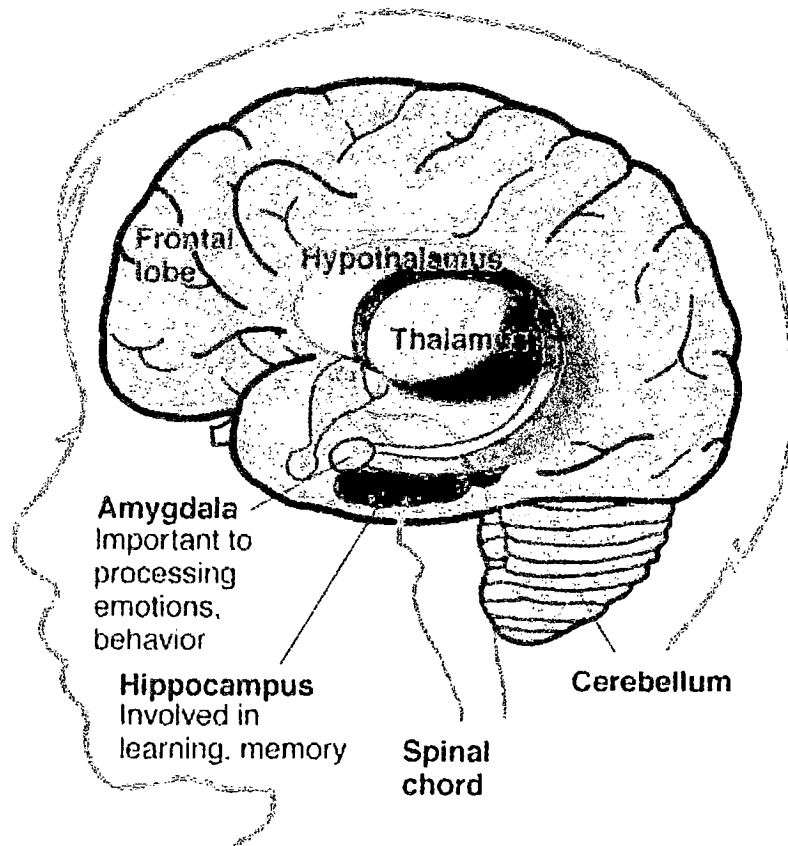
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138

MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"

# Autism and the brain

The areas of the brain affected by autism, which stems from abnormal brain development:



## Affect on brain cells (neurons)

- Cells are smaller, more densely packed in certain areas

- Have shorter, less developed branches

Source: The Journal of NIH Research

© 2012 MCT

IMPORTANT: REMOVE BEFORE  
DRIVING VEHICLE



**P01307266**

MO

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Virginia  
Permanent  
Disabled Parking  
Placard

16
17
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X
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23
24
25
26
27

YR

EXPIRES

**31 August 2021**

**HANG THIS SIDE FACING WINDSHIELD**

**MISUSE, COUNTERFEITING OR ALTERATION**  
of disabled placards may result in fines of up to \$1000, up to six  
months in jail and/or revocation of disabled parking privileges.  
Report expired placards, suspected misuse or alteration by calling:  
**(804) 367-6602**

Commonwealth of  
Virginia



Disabled Parking  
Placard Identification Card

>000280 6678351 003026

BRIAN DAVID HILL  
310 FOREST ST APT 2  
MARTINSVILLE VA 24112-4210

Placard Number: **P01307266**

Expires: **08/31/2021**

**LICENSED PHYSICIAN/PHYSICIAN ASSISTANT/NURSE PRACTITIONER MEDICAL CERTIFICATION**

(This section does not have to be completed to renew permanent placards.)

Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.

Temporarily limited or impaired beginning in the month of \_\_\_\_\_ and ending in the month of \_\_\_\_\_ (not to exceed 6 months).

Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (check below)

- Cannot walk 200 feet without stopping to rest.
- Uses portable oxygen.
- Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.
- Has a cardiac condition to the extent that functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.
- Is restricted by lung disease to such an extent that forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.
- Is severely limited in ability to walk due to an arthritic, neurological, or orthopedic condition.

- Has been diagnosed with a mental or developmental amentia or delay that impairs judgment including, but not limited to, an autism spectrum disorder.
- Has been diagnosed with Alzheimer's disease or another form of dementia.
- Is legally blind or deaf.
- Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.

I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.

I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

MEDICAL PROFESSIONAL NAME <b>SHYAM BALAKRISHNAN</b>		OFFICE TELEPHONE NUMBER <b>(276) 870 3300</b>	OFFICE FAX NUMBER <b>(276) 634-0362</b>
LICENSE TYPE <b>MD</b>	LICENSE NUMBER (required) <b>0101255071</b>	STATE ISSUING LICENSE (required) <b>VA</b>	LICENSE EXPIRATION DATE (mm/dd/yyyy) (required) <b>04/30/2018</b>
MEDICAL PROFESSIONAL SIGNATURE <i>[Signature]</i>			DATE (mm/dd/yyyy) <b>8/31/16</b>

**LICENSED CHIROPRACTOR OR PODIATRIST MEDICAL CERTIFICATION**

(This section does not have to be completed to renew permanent placards.)

Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.

Temporarily limited or impaired beginning in the month of \_\_\_\_\_ and ending in the month of \_\_\_\_\_ (not to exceed 6 months).

Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (Checked below)

- Cannot walk 200 feet without stopping to rest.
- Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.
- Is severely limited in ability to walk due to an arthritic, neurological or orthopedic condition.

Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.

I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.

I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

MEDICAL PROFESSIONAL NAME		OFFICE TELEPHONE NUMBER ( )	OFFICE FAX NUMBER ( )
LICENSE TYPE	LICENSE NUMBER (required)	STATE ISSUING LICENSE (required)	LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)
MEDICAL PROFESSIONAL SIGNATURE			DATE (mm/dd/yyyy)

**DMV USE ONLY**

PLATE/PLACARD NUMBER	PLACARD EXPIRATION DATE (mm/dd/yyyy)	EMPLOYEE STAMP
CUSTOMER CREDIT CARD NUMBER	CREDIT CARD EXPIRATION DATE (mm/yy)	FEE COLLECTED






# AUTISM & WANDERING PREVENTION TIPS

*promoting safety in the home & community*



Similar to the wandering behaviors in seniors with dementia or Alzheimer's, children and adults with autism spectrum disorder (ASD) are prone to wandering away from a safe environment. Because many children with ASD have challenges in areas of language and cognitive function, it is critical for parents to understand ways to keep their child or adult with autism safe.

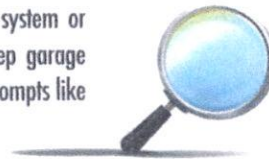
 prevention  
 education  
 response

## Install Home Safeguards



Install secure locks (exterior doors), home security system or door/window chimes; fence yard; secure gates; keep garage opener out of reach; use baby monitors and visual prompts like simple stop signs.

## Identify Triggers/Teach Self-help



Be aware of any known triggers that could prompt fleeing (loud noises, bright lights, fears, etc.) and work towards teaching your child safe alternative ways to respond.

For an individual who demonstrates bolting behaviors due to fear or stress, etc., use aids, such as noise-cancelling headphones, and teach calming techniques using favorites topics or items.

## Secure Personal Safeguards



Have wearable identification on your child; Temporary Tattoos are great for field trips and other outings; Check with local law enforcement to see if they offer Tracking Devices.

## Teach Safety Skills



Enroll your child into swimming lessons. Final lessons should be with clothes and shoes on.

Use social stories to teach individuals with autism ways to stay safe, and use favorite objects or tools to demonstrate when it's outside time versus inside time.

## Create Community Awareness



Alert trusted neighbors, and introduce them to your child; fill out an alert form for local police, include a current photo and unique characteristics, likes, fears, and behaviors; alert the school, and bus drivers.

## Call 911



Remain calm and always call 911 immediately if an individual with ASD is missing; law enforcement should treat each case as "critical."

Law enforcement agencies are encouraged to contact the National Center for Missing & Exploited Children at 1-800-THE-LOST (1-800-843-5678) for additional assistance.

## Remain Hyper Vigilant



Stay on extra high alert during warmer months, holidays, vacations, camping trips, transition periods, outdoor gatherings, a recent move to a new home or school, visiting an unfamiliar setting, public outings.

Initiate a "tag, you're it" system during family gatherings and transitions. Tag one responsible adult to closely supervise your child for an agreed-upon period of time.

## Search Water First



Immediately search areas that pose the highest threat first, such as nearby water, busy streets, train tracks, and parked cars.



For more tips and resources, visit [nationalautism.org](http://nationalautism.org).





Persons with autism may possess the following characteristics in various combinations and in varying degrees of severity.

- Inappropriate laughing/giggling
- No real fear of dangers
- Apparent insensitivity to pain
- May not want cuddling
- May avoid eye contact
- May prefer to be alone
- Difficulty in expressing needs
- Inappropriate attachments to objects
- Insistence of sameness
- Echoes words/phrases
- Spins objects or self

**Autism Awareness**

## Movement disturbance feature

Repetitive motor actions  
Rhythmical, cyclical movements  
Lack of initiation  
Difficulty imitating others' actions  
Echophenomena  
Immobility  
Withdrawal  
Grimacing  
Stereotypies  
Aversion  
Negativism  
Automatic obedience, suggestibility  
Rigidity  
Bradykinesia  
Tremor  
Forced grasping  
Akinesia  
Akathisia  
Ataxia  
Perseveration  
Ambitendency  
Tics  
Obstruction, blocking  
Difficulty with stopping, cessation of movement  
Mannerisms  
Waxy flexibility  
Ballismus

## Symptoms evidence in autism

e.g., Tapping, touching, grimacing  
e.g., Rocking, shrugging, squinting, pouting

- ✦ Requires prompts and cues to perform  
Both immediate and delayed motor imitation difficulties  
Mimesis; elaborate copying of others' actions—verbal and/or motor
- ✦ Remains fixed and inert in position and posture for extended time periods
- ✦ Isolates self away from focal activity and others  
Facial/oral-motor movements
- ✦ Repetitive movements of the hands, limbs, extremities, and whole body  
Of eye gaze and attention to others  
Oppositional actions elicited with passive movement and overall behavior
- ✦ Extreme compliance in response to verbal suggestion and environmental cues  
Muscles rigid to passive movement  
Slowness of movements, feebleness  
Essential, intentional, rest, postural, etc.  
Of another's hands, wrists, etc., or items in the environment  
Marked absence of action and movements
- ✦ Motor restlessness, moves about but not goal-directed  
Loss of coordination in motor action execution  
Motor or other repeated behavior after being elicited an initial stimulus
- ✦ Appears "stuck" in indecisive, hesitant movements  
Motor and/or verbal
- ✦ Incomplete movement toward a goal—"gets stuck" en route to goal
- ✦ Will continue movements unless redirected or stopped by an external means  
Uses intact and entire motor action sequences out of context, e.g., salutes  
Automatic ease and compliance with assuming unusual postures for extended time  
Violent, rapid and apparently involuntary actions and movements

# Symptoms and Signs of Carbon Monoxide Poisoning

## Symptoms of Carbon monoxide poisoning

- Dizziness
- Headache
- Disorientation
- Impairment of the cerebral function
- Coma

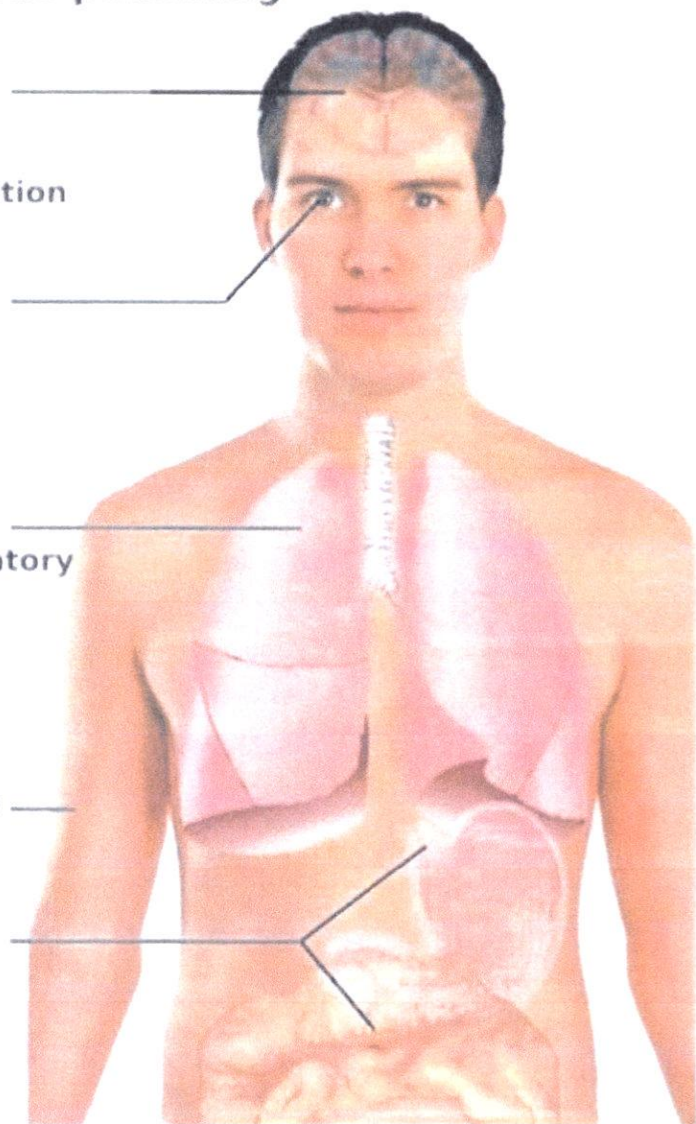
- Visual disturbances

- Disease of the heart and respiratory

- Muscle weakness
- Muscle cramps
- Seizures

- Nausea

- Aggravation of preexisting diseases







## ▼ ABOUT AUTISM WANDERING / ELOPEMENT

Autism is a diagnosis that represents many symptoms and behavioral tendencies, some of which can lead to serious health and safety risks including death. In 2008, Danish researchers found that the mortality rate among the autism population is twice as high as in the general population. In 2001, a California research team attributed elevated mortality among people with autism in large part to drowning. **Drowning, prolonged exposure, and other wandering-related factors remain among the top causes of death within the autism population.** In a 2007 online poll through the National Autism Association, 92% of parents reported that their children with autism have a tendency to wander. In 2011, preliminary data from a Interactive Autism Network study found that almost half of all children wander.

## ▼ DEFINITIONS

**WANDERING:** Wandering means to move about from place to place with or without a fixed plan.

**ELOPEMENT:** The act of running away, wandering away, walking away, escaping, or otherwise leaving a safe setting unsupervised or unnoticed.

## ▼ ABOUT AUTISM WANDERING / ELOPEMENT

**GOAL-DIRECTED WANDERING:** Wandering with the purpose of getting to something (water, train tracks, park, an item or place of obsession, etc.), or getting away from something (noise, bright colors, clutter, commotion, etc.).

**NON GOAL-DIRECTED WANDERING:** Wandering with seemingly no purpose; random and aimless movement from one place to another.

**WANDERING – OTHER:** Any other type of wandering – nighttime wandering, or wandering due to disorientation or confusion.

**BOLTING / FLEEING:** The act of suddenly running or bolting, usually to quickly get away from something, or in negative reaction to an event, anxiety, excitement or stress.

▼ **NEW MEDICAL DIAGNOSIS CODE**

A new medical diagnosis code has been approved by the Centers for Disease Control (CDC). When implemented in October 2011, the code will be listed as **V40.31 – Wandering in Diseases Classified Elsewhere.**

Caregivers of those at risk of wandering should discuss this diagnosis code with their physician. Official diagnosis may assist with insurance coverage for safety equipment and strengthen requests for implementation of safety-related strategies and accommodations in a student's IEP.



[Skip to main content](#)

# Brittle diabetes

**Other Names:** Labile diabetes; Brittle diabetes mellitus; Brittle type 1 diabetes

## Summary

**Brittle diabetes** is a term that is sometimes used to describe hard-to-control diabetes (<https://www.niddk.nih.gov/health-information/diabetes>) (also called labile diabetes). It is characterized by wide variations or “swings” in blood glucose (sugar) in which blood glucose levels can quickly move from too high (hyperglycemia (<https://medlineplus.gov/hyperglycemia.html>)) to too low (hypoglycemia). These episodes are hard to predict and can disrupt quality of life. They can require frequent or lengthy hospitalizations and can be fatal.

([https://rarediseases.info.nih.gov/diseases/11900/brittle-diabetes/cases/40646#ref\\_6136](https://rarediseases.info.nih.gov/diseases/11900/brittle-diabetes/cases/40646#ref_6136)) People with type 1 diabetes (<https://rarediseases.info.nih.gov/diseases/10268/diabetes-mellitus-type-1>) are at greatest risk. While many people with type 1 diabetes experience hypoglycemia, only a small proportion of people with type 1 diabetes experience the frequent blood glucose swings described as “brittle.” People with long-standing type 2 diabetes (<https://medlineplus.gov/diabetestype2.html>) may also have difficulty controlling blood glucose, but few have these frequent swings. People of any age with diabetes can be affected with these frequent ups and downs in blood glucose levels. Some research suggests that women may be affected more often than men.

Frequent episodes of hypoglycemia can lead to hypoglycemic unawareness and make the condition worse. Keeping diabetes under good control for at least several weeks can restore hypoglycemic awareness. New technologies such as continuous glucose monitors (<https://www.niddk.nih.gov/health-information/diabetes/overview/managing-diabetes/continuous-glucose-monitoring>) and insulin pumps (<https://www.niddk.nih.gov/health-information/diabetes/overview/insulin-medicines-treatments#Pump>) may help improve control.

In diabetes, many factors can trigger frequent changes in blood glucose levels. For example, people who don't test blood glucose or take diabetes medications as prescribed often experience significant fluctuations in blood glucose levels. Other causes of unstable blood glucose levels include emotional stress, eating disorders, drug or alcohol use, malabsorption (<https://medlineplus.gov/malabsorptionsyndromes.html>), gastroparesis (<https://www.niddk.nih.gov/health-information/digestive-diseases/gastroparesis>), and celiac disease (<https://www.niddk.nih.gov/health-information/digestive-diseases/celiac-disease>).

The development of new treatments for diabetes has made it easier for most people to control their blood glucose levels. Artificial pancreas (<https://www.fda.gov/MedicalDevices/ProductsandMedicalProcedures/HomeHealthandConsumer/ConsumerProducts/ArtificialPancreas/ucm259548.htm>) technology is currently being tested in clinical trials and aims to help people with type 1 diabetes more easily manage blood glucose levels. In 2016, the U.S. Food and Drug Administration approved a hybrid model

Blood sugar: Normal range between hyperglycemia and hypoglycemia

## Signs of hyperglycemia

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Signs of very high blood sugar levels in type 1 diabetes may include the following:

- Extreme thirst, drinking a lot and then urinating frequently as a result
- Unintentionally losing a lot of weight within a few weeks
- Noticeable loss of energy with muscle weakness, tiredness and generally feeling quite unwell
- Nausea and stomach ache
- Trouble seeing
- Poor concentration
- Frequent infections (cystitis, thrush)
- Confusion and drowsiness, or even coma

If you or your child have these symptoms, you should see a doctor as soon as you can.

## Signs of hypoglycemia

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Low blood sugar is most common in people who use insulin or take certain tablets to reduce high blood sugar. This is because things like unplanned physical activity, eating meals later than usual, or drinking too much alcohol can mean that you need less insulin than you thought, causing your blood sugar to drop very low.

Signs that your blood sugar is too low may include:

- Racing pulse
- Cold sweats
- Pale face
- Headache
- Feeling incredibly hungry
- Shivering, feeling weak in the knees
- Feeling restless, nervous or anxious
- Difficulty concentrating, confusion

These symptoms do not occur all at once. The signs of hypoglycemia not only depend on the blood sugar level, but also vary from person to person. If you are not sure whether your blood sugar is too low, you can measure it to make sure. Mild hypoglycemia doesn't usually have any harmful effects. But it is important to react quickly enough and eat or drink something, such as dextrose sugar or sugary lemonade.

People who have severe hypoglycemia may feel very drowsy and confused, and might even become unconscious. If this happens, someone else can inject the hormone glucagon. If this is



A **diabetic seizure** is a serious medical condition and **without emergency treatment, it has proven to be fatal**. Extremely low levels of sugar in the diabetic's blood cause these [seizures](#). That is why it is so important for those who have diabetes to monitor and control their blood sugar.

## What Are the Causes?

A number of different things can actually cause a diabetic seizure to occur. It could happen because **too much insulin is injected**, or because the diabetic **did not eat right after taking insulin**. Some of the other potential causes include not eating meals regularly or **drinking too much alcohol**. Even certain oral diabetes medications can make the body produce excess insulin. Those who are **exercising too much** without taking into account how this will affect their insulin levels will also be at a greater risk of suffering a diabetic stroke.

No matter what causes the seizure, it is **always a medical emergency** and those who have one need **immediate medical attention**.

## What Are the Symptoms?

When entering the **first stages of a diabetic seizure**, the person may exhibit a number of different [symptoms](#). Some of the most common symptoms include:

- Sweating
- Clamminess
- Drowsiness
- Confusion
- Bodily shakes
- Hallucinations
- Rapid and unexpected emotional changes
- Weakness in the muscles
- Anxiety
- Vision changes
- Loss of ability to speak clearly

**After these initial symptoms, the next phase of symptoms begin and the danger level rises**. Now, the person may **stare into space** and be **non-communicative** and **uncontrollable body movements** and contractions of the muscles may occur. In some cases, the diabetic will be unaware of the movements and may even fall into **unconsciousness**.

## What Is the Prevention and Treatment

The best way to deal with this problem is by ensuring it does not occur in the first place. This includes **proper monitoring of blood sugar levels and healthy living**. It is **important that a diabetic keeps a source of sugar handy at all times**, such as a candy bar or fruit juice. When the symptoms start to present themselves, simply eating the sugar can help to increase the blood sugar back to normal levels. Those who find that they have this problem occurring frequently can speak with their doctor about getting **glucose tablets**. Something else that is very helpful is **wearing a medical alert bracelet**. If symptoms occur and the diabetic becomes unaware, others can see know what the condition is and be able to help.

It is important to remember that the treatments are only short-term solutions. There is currently **no cure for diabetes**, and the only thing that the patient is able to do is manage his or her condition. One important thing you should do is track your seizures. Read our blog, "[The Importance of Using a Seizure Tracker](#)" to understand why.

**In Brian David Hill's case, he has brittle diabetes, Autism , OCD & generalized anxiety and he & his mom were exposed to carbon monoxide for almost a year before September 20, 2018**

# Facts about Obsessive Compulsive Disorder

OCD is a disorder that has a neurobiological basis. It equally affects men, women, and children of all races, ethnicities and socioeconomic backgrounds. In the United States, about 1 in 40 adults and 1 in 100 children have OCD. And according to the World Health Organization, OCD is one of the top 20 causes of illness-related disability, worldwide, for individuals between 15 and 44 years of age.

## What is OCD?

OCD is characterized by obsessions and compulsions that take up at least an hour a day – but usually longer – and cause significant distress.

Movies and television programs sometimes feature characters who are supposed to have OCD. Unfortunately, films and TV shows often mistake or exaggerate Obsessive Compulsive Disorder symptoms or play it for laughs. People with OCD know it's no laughing matter.

Obsessions are persistent, uncontrollable thoughts, impulses, or images that are intrusive, unwanted and disturbing. They cause anxiety or discomfort that significantly interferes with normal life. A person who doesn't have OCD is able to filter out recurring thoughts about germs, for example. But people with OCD who are obsessed with germs can't stop thinking about being contaminated and may even avoid going into public places.

Individuals who have OCD feel compelled to perform repetitive actions called compulsions, or rituals, in an attempt to relieve the distress caused by the obsessions. For example, a person with an obsessive fear of intruders may check and recheck door locks repeatedly to ensure that no one can get in. Compulsions are frequently overt – something we can see. However, they may also be carried out mentally, such as mental praying or counting. And although we can't observe them, mental rituals can be every bit as debilitating as those we *can* see.



# Symptoms

Generalized anxiety disorder symptoms can vary. They may include:

- Persistent worrying or anxiety about a number of areas that are out of proportion to the impact of the events
- Overthinking plans and solutions to all possible worst-case outcomes
- Perceiving situations and events as threatening, even when they aren't
- Difficulty handling uncertainty
- Indecisiveness and fear of making the wrong decision
- Inability to set aside or let go of a worry
- Inability to relax, feeling restless, and feeling keyed up or on edge
- Difficulty concentrating, or the feeling that your mind "goes blank"

Physical signs and symptoms may include:

- Fatigue
- Trouble sleeping
- Muscle tension or muscle aches
- Trembling, feeling twitchy
- Nervousness or being easily startled
- Sweating
- Nausea, diarrhea or irritable bowel syndrome
- Irritability

There may be times when your worries don't completely consume you, but you still feel anxious even when there's no apparent reason. For example, you may feel intense worry about your safety or that of your loved ones, or you may have a general sense that something bad is about to happen.

Your anxiety, worry or physical symptoms cause you significant distress in social, work or other areas of your life. Worries can shift from one concern to another and may change with time and age.

## Symptoms in children and teenagers

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VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

BRIAN DAVID HILL,

Petitioner,

v.

ORDER

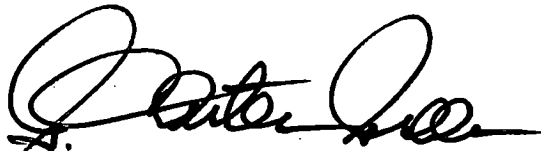
Case No. CL19000331-00

COMMONWEALTH OF VIRGINIA,  
ATTORNEY GENERAL OF VIRGINIA,

Respondent.

UPON CONSIDERATION of the petitioner's Petition for Writ of Habeas Corpus, it is  
ORDERED that said petition be, and the same is hereby, DISMISSED.

ENTER: This 20th day of November, 2019.



Judge

Endorsement of Counsel is dispensed with – Rule 1:13



NOTICE OF APPEAL FROM TRIAL COURT
(Rule 5A:6)

VIRGINIA: IN THE CIRCUIT COURT OF Martinsville
(The style of the case in the Circuit Court shall be used.)

NOTICE OF APPEAL

Brian David Hill, Commonwealth of Virginia, Attorney General of Virginia
(name(s) of party(ies), (plaintiff, defendant or other
hereby appeals to the Court of Appeals of
designation in trial court)
Virginia from the Order to Dismiss
(final judgment or other appealable order or decree)
of this Court entered on 11/20/2019
(date)

[If applicable] A transcript or statement of facts, testimony, and other incidents of the case will be filed.

CERTIFICATE

The undersigned certifies as follows: Brian David Hill,
(1) The name(s) and address(es) of appellant(s) are: 310 Forest Street, Apt. 1, Martinsville, VA 24112
(2) The name(s), address(es), and telephone number(s) of counsel for appellant(s) are: Commonwealth of
(3) The name(s) and address(es) of appellee(s) are: 55 West Church St., Martinsville VA Virginia, Attorney General
(4) The name(s), address(es), and telephone number(s) of counsel for appellee(s) are: 202 N. Ninth St., Richmond, VA 23219 of Virginia
(5) [If applicable] Counsel for appellant has ordered from the court reporter who reported the case the transcript for filing as required by Rule 5A:8(a).
(6) [If applicable] Brian David Hill, Brian David Hill
(name of party) (appellant)
is not represented by counsel. his
(appellee) (his) (her)
address and telephone number are: 310 Forest Street, Apartment 1, Martinsville VA

(7) [In criminal cases only] counsel for defendant has been
(appointed) (privately retained)
(8) A copy of the Notice of Appeal has been mailed or delivered to all opposing counsel [and/or to
unrepresented parties, if applicable] and to the Clerk of the Court of Appeals this 20th day of
November 2019

FILED IN THE CLERK'S OFFICE
OF THE CIRCUIT COURT OF THE
MARTINSVILLE CIRCUIT COURT

Brian D. Hill
Signed
(Signature of counsel or unrepresented party)

DATE: 11/20/2019 @16:51:13

TESTE: R. HANCOCK
CLERK/DEPUTY CLERK

FILED IN THE CLERK'S OFFICE
OF THE CIRCUIT COURT OF THE
MARTINSVILLE CIRCUIT COURT

TEBAAA: 10V20K20191120165113



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Brian David Hill,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. CL19000331-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Commonwealth of Virginia,</b>	)	<b>Motion to Reconsider</b>
	)	
<b>Defendant,</b>	)	

**MOTION TO RECONSIDER**

COMES NOW civil Writ of Habeas Corpus Petitioner Brian David Hill (“Brian”, “Hill”, “Petitioner”) respectfully requests that the Honorable Court move to reconsider the decision for dismissal of Petitioner’s Writ of Habeas Corpus on 11/20/19.

Since due process has been deprived in the Court’s final judgment dated November 20, 2019, this is a voidable judgment and should be reversed to give Petitioner an opportunity to make arguments at a hearing prior to the quick dismissal 2 days after Petitioner’s Writ of Habeas Corpus was filed on November 18, 2019.

Procedural due process refers to the constitutional requirement that when the government acts in such a way that denies a citizen of a life, liberty, or property interest, the person must be given notice, the opportunity to be heard, and a decision by a neutral decision-maker. Procedural due process is one of two of the components of due process, with the other being substantive due process.

Procedural Due Process Civil, U.S. Constitution, Fourteenth Amendment:



*“SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”*

A hearing was scheduled on 11/20/19 at 9:00AM, without Petitioner’s knowledge. Petitioner was not notified of this hearing, Petitioner’s family had checked the “Virginia Court’s case Information” website on November 19, 2019, and there was no mention of a hearing at the time it was checked. Petitioner should have at least been served a notice of hearing or faxed or given a phone call regarding the hearing before it was scheduled. Since Petitioner is entitled to be notified of any hearing, Petitioner should have been notified of this hearing ahead of time, and be given an opportunity to make arguments as to why his Writ of Habeas Corpus should not have been dismissed as is Brian’s constitutional right since the very state charge (and conviction) had led Petitioner to being placed under more strict conditions under bond/Supervised-Release including curfew and mandatory imprisonment in FMC Lexington, Kentucky, a Federal Prison on the date of December 6, 2019. Petitioner had been wrongfully convicted and that conviction has caused double punishments (*State punishment and Federal Punishment over the same state charge*) to be inflicted upon Petitioner excluding the legal fees being directed against Petitioner which is garnishment and that is illegal under Federal Law for a state court to garnish somebody’s SSI disability income. It violates the Supremacy Clause under Federal Law protecting a party from being garnished of his SSI disability income from a state court.



Due process requires that the procedures by which laws are applied must be evenhanded, so that individuals are not subjected to the arbitrary exercise of government power. Thus, where a litigant had the benefit of a full and fair trial in the state courts, and his rights are measured, not by laws made to affect him individually, but by general provisions of law applicable to all those in like condition, he is not deprived of property without due process of law, even if he can be regarded as deprived of his property by an adverse result. *Marchant v. Pennsylvania R.R.*, 153 U.S. 380, 386 (1894). Exactly what procedures are needed to satisfy due process, however, will vary depending on the circumstances and subject matter involved. *Hagar v. Reclamation Dist.*, 111 U.S. 701, 708 (1884). “Due process of law is [process which], following the forms of law, is appropriate to the case and just to the parties affected. It must be pursued in the ordinary mode prescribed by law; it must be adapted to the end to be attained; and whenever necessary to the protection of the parties, it must give them an opportunity to be heard respecting the justice of the judgment sought. Any legal proceeding enforced by public authority, whether sanctioned by age or custom or newly devised in the discretion of the legislative power, which regards and preserves these principles of liberty and justice, must be held to be due process of law.” *Id.* at 708; *Accord*, *Hurtado v. California*, 110 U.S. 516, 537 (1884). A basic threshold issue respecting whether due process is satisfied is whether the government conduct being examined is a part of a criminal or civil proceeding. *See Medina v. California* 505 U.S. 437, 443 (1992). The appropriate framework for assessing procedural rules in the field of criminal law is determining whether the procedure is offensive to the concept of fundamental fairness. *Id.* In civil contexts, however, a balancing test is used that evaluates the government’s chosen procedure with respect to the private interest affected, the risk of erroneous deprivation of that interest under the chosen procedure, and the government interest at stake. *See Mathews v. Eldridge*, 424



U.S. 319, 335 (1976). In *Nelson v. Colorado*, the Supreme Court held that the Mathews test controls when evaluating state procedures governing the continuing deprivation of property after a criminal conviction has been reversed or vacated, with no prospect of reprosecution. See 581 U.S. \_\_\_, No. 15–1256, slip op. at 6 (2017).

***The Requirements of Due Process.***—Although due process tolerates variances in procedure “appropriate to the nature of the case,” *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950), it is nonetheless possible to identify its core goals and requirements. First, “[p]rocedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or property.” *Carey v. Piphus*, 435 U.S. 247, 259 (1978). “[P]rocedural due process rules are shaped by the risk of error inherent in the truth-finding process as applied to the generality of cases.” *Mathews v. Eldridge*, 424 U.S. 319, 344 (1976). Thus, the required elements of due process are those that “minimize substantively unfair or mistaken deprivations” by enabling persons to contest the basis upon which a state proposes to deprive them of protected interests. *Fuentes v. Shevin*, 407 U.S. 67, 81 (1972). At times, the Court has also stressed the dignitary importance of procedural rights, the worth of being able to defend one’s interests even if one cannot change the result. *Carey v. Piphus*, 435 U.S. 247, 266–67 (1978); *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980); *Nelson v. Adams*, 529 U.S. 460 (2000) (amendment of judgement to impose attorney fees and costs to sole shareholder of liable corporate structure invalid without notice or opportunity to dispute). The core of these requirements is notice and a hearing before an impartial tribunal. Due process may also require an opportunity for confrontation and cross-examination, and for discovery; that a



decision be made based on the record, and that a party be allowed to be represented by counsel.

(1) Notice. “An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). See also *Richards v. Jefferson County*, 517 U.S. 793 (1996) (res judicata may not apply where taxpayer who challenged a county’s occupation tax was not informed of prior case and where taxpayer interests were not adequately protected). This may include an obligation, upon learning that an attempt at notice has failed, to take “reasonable followup measures” that may be available. *Jones v. Flowers*, 547 U.S. 220, 235 (2006) (state’s certified letter, intended to notify a property owner that his property would be sold unless he satisfied a tax delinquency, was returned by the post office marked “unclaimed”; the state should have taken additional reasonable steps to notify the property owner, as it would have been practicable for it to have done so). In addition, notice must be sufficient to enable the recipient to determine what is being proposed and what he must do to prevent the deprivation of his interest. *Goldberg v. Kelly*, 397 U.S. 254, 267–68 (1970). Ordinarily, service of the notice must be reasonably structured to assure that the person to whom it is directed receives it. *Armstrong v. Manzo*, 380 U.S. 545, 550 (1965); *Robinson v. Hanrahan*, 409 U.S. 38 (1974); *Greene v. Lindsey*, 456 U.S. 444 (1982). Such notice, however, need not describe the legal procedures necessary to protect one’s interest if such procedures are otherwise set out in published, generally available public sources. *City of West Covina v. Perkins*, 525 U.S. 234 (1999).



(2) Hearing. “[S]ome form of hearing is required before an individual is finally deprived of a property [or liberty] interest.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). “Parties whose rights are to be affected are entitled to be heard.” *Baldwin v. Hale*, 68 U.S. (1 Wall.) 223, 233 (1863). This right is a “basic aspect of the duty of government to follow a fair process of decision making when it acts to deprive a person of his possessions. The purpose of this requirement is not only to ensure abstract fair play to the individual. Its purpose, more particularly, is to protect his use and possession of property from arbitrary encroachment . . . .” *Fuentes v. Shevin*, 407 U.S. 67, 80–81 (1972). See *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 170–71 (1951) (Justice Frankfurter concurring). Thus, the notice of hearing and the opportunity to be heard “must be granted at a meaningful time and in a meaningful manner.” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965).

The Circuit Court has no right to deprive a criminal defendant in a civil habeas corpus proceeding of his Constitutional rights.

A state is not free, however, to have no corrective process in which defendants may pursue remedies for federal constitutional violations. In *Frank v. Mangum*, 237 U.S. 309, 335 (1915), the Court asserted that a conviction obtained in a mob-dominated trial was contrary to due process: “if the State, supplying no corrective process, carries into execution a judgment of death or imprisonment based upon a verdict thus produced by mob domination, the State deprives the accused of his life or liberty without due process of law.” Consequently, the Court has stated numerous times that the absence of some form of corrective process when the convicted defendant alleges a federal constitutional violation contravenes the Fourteenth Amendment, (*Moore v. Dempsey*, 261 U.S. 86, 90, 91 (1923); *Mooney v. Holohan*, 294 U.S. 103, 113 (1935); *New York ex rel. Whitman v. Wilson*, 318



U.S. 688, 690 (1943); *Young v. Ragan*, 337 U.S. 235, 238–39 (1949).) and the Court has held that to burden this process, such as by limiting the right to petition for habeas corpus, is to deny the convicted defendant his constitutional rights. *Ex parte Hull*, 312 U.S. 546 (1941); *White v. Ragen*, 324 U.S. 760 (1945).

Petitioner plans to bring this up in Appeal, because the Commonwealth/State of Virginia is part of the United States of America and subject to Federal Law and subject to the Federal Constitution. Virginia had lost the civil war in the 1860s and was part of the Union thereafter. Virginia is supposed to follow the U.S.

Constitution, as well as U.S. Supreme Court case law involving the Constitution.

Petitioner was not notified of the hearing scheduled for November 20, 2019, and dismissal had happened without giving Petitioner an opportunity to object or argue why his Writ of Habeas Corpus should not be dismissed as it was timely filed. To simply dismiss the petition without a reasoning as to why, deprives Petitioner of due process under the Fourteenth Amendment of the U.S. Constitution.

WHEREFORE, the undersigned Plaintiff/Petitioner prays that he has shown good cause and prays as follows:

1. That the Court find good cause to reconsider the dismissal and allow Petitioner to be notified of the hearing to argue why the Writ of Habeas Corpus should not be dismissed;
2. That the Court find good cause as to why Brian David Hill was not present at the hearing scheduled on November 20, 2019, because he was not notified of such hearing prior to when it had began;
3. That the Court reverse the final order;
4. That the Court enter an order for any other relief deemed as necessary and proper.





Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Hill respectfully files this Motion with this honorable Court, this the 24th day of November, 2019.

Respectfully submitted,

*Brian D. Hill*

*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

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Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 24, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232.

CERTIFICATE OF SERVICE

I hereby certify that on this the 24th day of November, 2019, a true copy of the foregoing Motion/Pleading was transmitted by facsimile to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

*Brian D. Hill*  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

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Amazon: The Frame Up of Journalist Brian D. Hill

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 11/25/2019 @09:12:51

TESTE: *Jennifer C. Coplin*  
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

BRIAN DAVID HILL,

Petitioner,

v.

ORDER

Case No. CL19000331-00

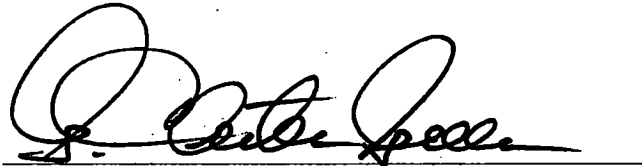
COMMONWEALTH OF VIRGINIA,

Respondent.

UPON CONSIDERATION of the petitioner's Motion to Reconsider, it is

ORDERED that said motion is hereby, DENIED.

ENTER: This 25<sup>th</sup> day of November, 2019.

A handwritten signature in black ink, appearing to be "J. Peter Jones", written over a horizontal line.

Judge

Endorsement of Counsel is dispensed with – Rule 1:13

**VIRGINIA:**

*In the Court of Appeals of Virginia on Friday the 14th day of February, 2020.*

Brian David Hill, Appellant,

against Record No. 0079-20-3  
Circuit Court No. CL19000331-00

Commonwealth of Virginia, Appellee.

From the Circuit Court of the City of Martinsville

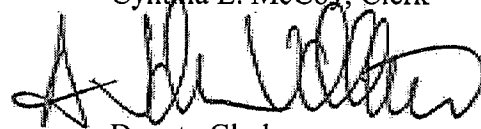
It appears that this Court does not have jurisdiction over this case. Accordingly, the case hereby is transferred to the Supreme Court of Virginia pursuant to Code § 8.01-677.1.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:



Deputy Clerk

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 02/18/2020 @13:41:37

TESTE:   
CLERK/DEPUTY CLERK

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

# Fax Cover Page

Date: 3/6/2020

Time: 3:47:48 AM

Pages: 28

**To: Martinsville Circuit Court**

**Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk**

From: Brian David Hill

Fax ID: 276-790-3505

**Please file in case nos. CR19000009-00 and CL19000331-00 as Circuit Court Clerk also named as CC correspondent.**

**Response Letter to Clerk of the Supreme Court of Virginia concerning**

**"Re: Brian David Hill v. Commonwealth of Virginia, Attorney General, Record No. 200267" Appellee letter dated March 3, 2020**

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 03/06/2020 @08:58:33

TESTE: *A. Pritchett*  
CLERK/DEPUTY CLERK



**Response Letter to Clerk of the Supreme Court of Virginia concerning  
"Re: Brian David Hill v. Commonwealth of Virginia, Attorney General,  
Record No. 200267" Appellee letter dated March 3, 2020**

Started: Thursday, March 5, 2020

Finished: Friday, March 6, 2020

ATTN: The Honorable Douglas B. Robelen, Clerk of the Court  
Supreme Court of Virginia  
100 North 9th Street, 5th Floor, Richmond, Virginia 23219  
Phone: (804) 786-2251 V / TDD  
FAX : (804) 786-6249

Dear Hon. Robelen Hon. McCoy,

I am grateful for the clarification on the matter by the Assistant Attorney General of Virginia. I am also grateful that the Assistant Attorney General is keeping it professional as a lawyer and not lying about me in response unlike Glen Andrew Hall who does have a bad reputation with private lawyers I had free consultation with. I will keep with the legal chivalry here and provide a professional legal response as a non-lawyer. I will cite some of my personal and emotional opinions as well as it is my First Amendment right.

However Petitioner, Brian David Hill has a constitutional right to challenge the Commonwealth of Virginia when the Commonwealth has taken the liberty and financial interests of Petitioner. Petitioner will be happy to produce six copies of this letter if requested by the Clerk of this Court.

*Peverell v. Eskew*, Record No. 0060-01-4, at \*1 (Va. Ct. App. Apr. 23, 2002) (“The fourteenth amendment, in declaring that no State `shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws,' undoubtedly intended, not only that there should be no arbitrary deprivation of life or liberty or arbitrary spoliation of property, but that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts; and that no



impediment should be interposed to the pursuits of anyone except as applied to the same pursuits by others under like circumstances. . . .””)

There are civil rights and liberty interests that the Commonwealth has taken away from Petitioner as a result of this wrongful state conviction of innocent man Brian David Hill who was a victim of carbon monoxide poisoning. Yes Petitioner does admit that he cannot obtain the levels of carbon monoxide to establish fact since he was immediately thrown in jail after the Martinsville Hospital medically neglected him and didn't check his blood sugar when they knew he was a diabetic found at night butt naked with cuts and abrasions but never completed the laboratory tests after drawing blood and never even checked his blood sugar on the medical record in the Habeas Corpus petition's evidence on the record, but there was evidence of carbon monoxide damage and witnesses to such damage and evidence to such white residue and other issues that are all normally caused by carbon monoxide gas and poisoning on record. **Hasn't Brian suffered enough from the carbon monoxide already???? Brian doesn't need to be convicted of indecent exposure on top of that when the carbon monoxide is the cause of his weird behavior.** That was why I had to debrief the Attorney General by sending letters in regards to the carbon monoxide and the evidence about the guy wearing the hoodie who threatened me to take my clothes off or my mother would die. Even if the carbon monoxide could have caused an hallucination and the guy in the hoodie could have not been real, I perceived the guy in the hoodie at the time to have been real and wasn't thinking straight. My behavior in the alleged photographs we of behavior that one would exhibit when being ordered by a jail officer to be strip searched, which that ordeal can amount to PTSD, and carbon monoxide can trigger all of these different abnormal behaviors, especially when somebody has Autism. Even though I did not have the levels because Sovah Hospital in-fact covered up for Martinsville Police Department by drawing my blood and was going to do drug tests and alcohol tests but then **deleted all lab test orders from the chart and throw away my blood which would have been the only exculpatory evidence where the levels could have proven of carbon monoxide poisoning.** The CORRUPT Commonwealth Attorney Glen Andrew Hall knew that evidence was covered up and instead pushed for a jury trial knowing there would be jury bias of “christian bible belt jurors”. He Knew that Brian had cumulative evidence of carbon monoxide gas but ignored it all. I may have to sue Martionsville Police Department again and sue Glen Andrew Hall for defamation of character and unprofessional misconduct, as well as **suing Sovah Hospital for being the sole cause of my wrongful conviction of indecent exposure since they tossed away blood evidence which could have been tested by the State Police and Crime Scene Investigation lab scientists and I could have been exonerated instead of wrongfully convicted and facing Federal Supervised Release Revocation for violation of Virginia law on September 21, 2018.** However if I am acquitted and found



innocent of my state charge, then I will not face the direct consequences of Revocation. I don't wish to sue if I don't have to. I just want my life back from the Commonwealth. I want my life back, I am not after money, I just want my darn life back. I want my liberty back, my reputation back, I want my freedom back. I want to keep my SSI disability as I cannot live without it. Depriving me of SSI disability for any legal fees charged in my state case deprives me of life as I cannot make money and cannot work a job. So Virginia wishes to deprive me of life but not give me any legal means to challenge a wrongful conviction that is going to deprive me of my fixed income from the Federal Government, from my disability. Does that mean Virginia will garnish my Medicaid too? Will Glen Andrew Hall be asking Social Services next to deprive of Medicaid next to pay my legal fees?

The consequences I face for dismissing my Writ of Habeas Corpus and sustaining my wrongful state criminal conviction are as follows:

1. If the U.S. Court of Appeals in Richmond, VA overturns revocation on a technicality and may order me to face a new trial which will be a jury trial over the Violation of Supervised Release condition due to the indecent exposure charge. If this happens, my state conviction will be used as absolute evidence of guilt against me while not allowing me to use Virginia case law that I cannot be guilty of indecent exposure unless I was being obscene and had an intent of being obscene. Carbon Monoxide would be a good reason as to the indecent exposure as this is an unique criminal case. Acquitting me would have no effect on other indecent exposure charges as none of them had been in a house for months with carbon monoxide gas and damage to the walls and ceiling. So the Commonwealth would not have to worry about the public implications of acquitting me. It is in the best interest of justice that I am found actually innocent.
2. If I am acquitted of my state charge, then the violation will be dismissed without me having to face a federal jury which will have enough evidence to convict me if my state conviction remains intact. This makes me an automatic violator and will subject me up to 9 months of imprisonment as well as possible home detention and electronic monitoring directly caused as a result of my state charge.
3. If the revocation is not completely vacated and I face new trial, then I am placed under strict federal bond conditions directly caused by the state criminal charge which I filed Writ of Habeas Corpus to push the Court to undo such conviction over my Actual Innocence claim. The bond conditions





include curfew and other strict conditions which deprives me of right to liberty, life, and the pursuit of happiness.

When a state deprives an American citizen of liberty, then that person has the right to challenge being deprived of any liberty as a result of what the state has done.

So I am at loss of my liberty as a result of the state charge and conviction. The state has directly caused loss of my liberty as a result of ineffective assistance of counsel concerning the court appointed lawyers, all of them were ineffective because they are assigned too many cases and don't have the time to come up with a decent defense and are also afraid of Glen Andrew Hall who is one bad lawyer according to the private attorneys I had free consultation with. Many fear Glen Andrew Hall which is one of the main reasons why nobody wanted to fight for me, fear of the lying defamatory lawyer Glen Andrew Hall who lied about me, made fun of my Autism which is discrimination, and caused my wrongful state conviction. I cannot sit here and let Glen Andrew Hall take away my constitutional rights, lie about me, take away my liberty, and cause me to suffer cascading repercussions as a result of my wrongful conviction.

**The carbon monoxide has already caused my landlord to have paid thousands of dollars to fix the wall damage and ceiling falling apart as a result of the carbon monoxide poisoning.** The photos showing such damage in the home were submitted in the Writ of Habeas Corpus petition on the record prior to the Notice of Appeal. **I shouldn't suffer a criminal conviction on top of it** because of Glen Andrew Hall being such an egotistical jerk here, wanting to maintain his perfect criminal conviction rate. **A lawyer shouldn't always be about winning criminal cases all of the time. When a criminal conviction is wrongful, it is the duty of the lawyer under State Bar Rule 3.8 and American Bar Association Rule 3.8 to undo such conviction.** There is no restitution, no fines, and I have no victims in my state criminal case. **If the witnesses (police officer, 911 caller) to my nudity at night were to ever find out about the carbon monoxide, they never would have called 911 and I never would have been arrested, instead I would have been committed to the Hospital until the source of the sinus tachycardia was documented and I never would have faced an indecent exposure charge because it is wrong in this instance, in the circumstances that led up to it.** If the witness who called 911 ever found out that I had been exposed to carbon monoxide prior to my arrest and stating on Federal Court record and/or told my family in 2018 that I thought I was drugged and had memories blacked out. In 2019 I was already convicted in General District Court before I discovered that I was a victim of carbon monoxide gas.

**I am not a perpetrator of crime in regards to indecent exposure, but I AM A**

VICTIM, I repeat I was a victim of carbon monoxide and cannot stand to be wrongfully convicted when raising carbon monoxide isn't a fact since I don't have the levels according to Lauren McGarry who formerly worked for Martinsville Commonwealth Attorney Office as an intern or extern, but can be raised as a "reasonable doubt" which would have led to my acquittal but Matthew Clark didn't tell me about any reasonable doubt but told me that I would lose because of christian bible belt jurors would feel that I am some kind of pervert, of course he never mentioned the word pervert but I felt that is what he was implying.

None of those so called "christian bible belt jurors" would have ever experienced carbon monoxide while suffering under Autism Spectrum Disorder and OCD, how would any of them know my pain and suffering here?

It is this kind of garbage that almost turns me against Christians and makes me almost hate them, but I know in my heart that Jesus Christ would never be for convicting me, and even Judge King Solomon would never be for convicting me with the evidence I have in the state case, and Judge Samson of the bible would never have convicted me after seeing the carbon monoxide evidence. Jesus Christ said judge not lest ye be judged. If I am to be held criminally accountable be revoked of my probation over me being a victim of months of carbon monoxide poisoning then under the laws of God, karma is created in equal and opposite reaction. Maybe God will cause them to suffer under carbon monoxide and then they would know what it was like to suffer under carbon monoxide, or maybe even all of the sudden have Autism as a karma repercussionj and then have to suffer under Autism. These Courts are supposed to have empathy here. Where We Go One, We Go All, as Qanon says. If we wrongfully convict one person who was a victim of carbon monoxide poisoning, then we are all going to be imprisoned for being a victim of carbon monoxide poisoning. Then all Americans deserve and even Judges and Lawyers should deserve to go to prison for crimes that they are innocent of under the laws of karma, the laws of the Universe set by God.

How would any of them ever understand since they have likely never experienced any of the months and months of carbon monoxide gas poisoning that I personally felt and experienced. It also made my vision not as good. No eye damage luckily but they did prescribe me glasses as my vision has slightly deteriorated and my mother's vision has also deteriorated and she has to wear glasses when she didn't have to before the carbon monoxide had started. Me and my mother both experienced memory problems.

Matthew Clark was a bad lawyer and never should have been appointed to my case. It should been a lawyer counties away that had no fear of facing this horrible Glen Andrew Hall, a bully, a bully who kept attacking Scott Albrecht and made fun of



him over being disabled which my family had witnessed in General District Court before my case. This Glen Andrew Hall is such a bully that he would bully the defense attorney into leaving Martinsville and moving to Roanoke, check the state bar record to see that Scott Albrecht worked at Martinsville as a Public Defender but then at some point moved to Roanoke without explanation. I know why, because of the way Glen Andrew Hall bullies the disabled in violation of the Americans with Disabilities Act but he can get away with this bullying because he is a "constitutionally elected officer" or whatnot. How typical of political corruption when it operates like this. If Glen Andrew Hall continues bullying me then eventually I will move out of Virginia and continue my federal probation in another state and my family will no longer buy from any stores in Virginia and will not participate in the Virginia economy, we will boycott Virginia and not vacation in Virginia either then more stores can go out of business for all I care like Earth Fare, antique stores, Save-A-Lot. So many stores are shutting down in Virginia, since Glen Andrew Hall is such a bully I will boycott Virginia and my whole family will boycott Virginia and my friends will boycott Virginia for the harsh treatment of me and my family, sue Virginia for defamation, and will no longer wish to be citizen of Virginia and no longer wish to participate in Virginia's economy.

Anyways, there are many liberty interests that I lose here.

I lose good standing with my Federal Probation, and will be considered as a higher risk offender even though the circumstances and intent do not support such. I face being labeled as a criminal when no law was broken according to attorney Scott Albrecht and Federal Appellate Attorney Edward Kennedy of Clarksburg, West Virginia. I did not violate Virginia law over the indecent exposure as I never masturbated and the photos were taken during nighttime when I was not in my right state of mind due to the carbon monoxide. **The Attorney General should understand that, as well as Governor Northam since he was a Doctor. Even Doctors would understand about carbon monoxide poisoning victims. Politics doesn't matter here.**

Now as to the financial interests that are at stake if I am wrongfully convicted of indecent exposure and the Writ of Habeas Corpus is dismissed:

1. I would owe thousands of dollars to the Commonwealth of Virginia if I am not acquitted of my state charge. Not in fines, not any in restitution as I have no victims, but in basic legal fees from both my defense attorney and the Prosecution. I had the temptation of referring to Glen Andrew Hall's lack of sympathy as possible extortion of the poor and disabled but my mother persuaded me not to put those words in my pro se motion that I just mailed out to the



Court of Appeals on March 5, 2020. I personally feel emotionally that I am being extorted here, because my only source of income is SSI Disability disbursement payments. I pay \$500 rent monthly and rest of it goes to living expenses and legal costs I am eating up here as a result of fighting. The mailings cost me as well. Even with my mother letting me use her printer to print the legal filings, she is getting sick and tired of me legally fighting all of the time over and over again without end. I have to explain to the Clerk that I assumed that the monthly SSI income was considered assets that I should report to Virginia, but I may be wrong about that because they are not garnishable under Federal Law. SSI disability income is my only source source of income and me being able to live and not be homeless. I cannot work a job and the state case and federal cases have put such a hefty burden on me, forcing me to suffer carpal tunnel for months having to fight almost all of the time now over this legal garbage by the Governments. Anyways, the amount I owe over lawyers who didn't even defend me at all and weren't professional, even making me pay in increments violates the Federal Prohibition on garnishment of SSI disability. It violates the Federal Supremacy Clause for a state to make me owe thousands of dollars at threat of me being arrested and jailed again. I face forced garnishment of my SSI which means that the state is now going to deprive me of a portion of my SSI disability over lawyers that didn't even defend me when they could have fought to have me found innocent. The State has indebted me over absolute criminal case legal GARBAGE. I am innocent and shouldn't be put through all of this for 2 years now. It is almost two years since I had been originally charged. They are willing to fight me and battle me over and over again over a simple misdemeanor with severe repercussions. I would hate to think of how far the Commonwealth would go over a felony charge if they are going so far over a simple misdemeanor.

2. If the state forces me to owe thousands of dollars with garnishment or imprisonment, I will be forced to declare federal bankruptcy since I have never owned any credit so declaring bankruptcy is what I will do if the bully Glen Andrew Hall has his way with me politically, not literally. I am also considering a social security based lawsuit against Virginia and it's Courts for making me pay money in violation of the Federal Supremacy clause protecting the states from garnishing my SSI to just simply pay some legal fees for ineffective counsel and

a corrupt prosecutor in Martinsville. **I may have to sue under Federal Social Security Law and ask for an injunction against the state Courts and against the Circuit Court Clerk for making me pay thousands of dollars which is garnishing my protected SSI disability money. The Federal Courts don't make me pay any legal fees if I technically lose a criminal case, and don't increase my legal fees over me fighting for my Constitutional rights which is technically extorting somebody over fighting for their legal rights, so people are being punished over fighting for their Constitutional rights. Why is the state allowed to do this? Why did the General Assembly do this when the Federal Courts don't do this?**

I have established that if I am deprived of Writ of Habeas Corpus or any ability to challenge a wrongful conviction, then I am deprived of my SSI disability money, I am deprived of liberty, and so the liberty interest justify the need for me to fight for my acquittal. I also am considering that I may file a Writ of Coram Vobis as my last resort if my Writ of Habeas Corpus is dismissed on a mere procedural technicality.

Even the United States Supreme Court had made various rulings in regards to the Constitutional matter of wrongful suspension of Habeas Corpus relief over procedural defaults and actual innocence. Since Petitioner is asserting his "Actual Innocence" to the charge of indecent exposure, his Writ of Habeas Corpus should not be procedurally barred in any way when the claim of "Actual Innocence" is asserted.

*Bousley v. United States*, 523 U.S. 614 (1998) ("(a) Only a voluntary and intelligent guilty plea is constitutionally valid. *Brady v. United States*, 397 U.S. 742, 748. A plea is not intelligent unless a defendant first receives real notice of the nature of the charge against him. *Smith v. O'Grady*, 312 U.S. 329, 334. Petitioner's plea would be, contrary to the Eighth Circuit's view, constitutionally invalid if he proved that the District Court misinformed him as to the elements of a § 924(c)(1) offense. *Brady v. United States*, *supra*, *McMann v. Richardson*, 397 U.S. 759, and *Parker v. North Carolina*, 397 U.S. 790, distinguished. Pp. 618-619."). **Even the withdrawal of appeal and acceptance of the General District Court decision isn't valid as it was caused by ineffective counsel and private lawyers personally fearing the elected prosecutor of Martinsville.**

*Bousley v. United States*, 523 U.S. 614, 634-35 (1998) ("Under today's holding, a defendant who is the "wheel-man" in a bank robbery in which a person is shot and killed, and who pleads guilty in state court to the offense of voluntary manslaughter in



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

order to avoid trial on felony-murder charges, is entitled to federal habeas review of his contention that his **guilty plea was "involuntary" because he was not advised that intent to kill was an element of the manslaughter offense**, and that he was "actually innocent" of manslaughter because he had no intent to kill. In such a case, it is excusing the petitioner from his procedural default, not holding him to it, that would be the miscarriage of justice.") Matthew Clark on the record did not advise me that I have to have intent to be guilty of indecent exposure. Federal Appellate Attorney Ryan Edward Kennedy and also Mayor of Clarksburg, WV, had also argued that I did not violate Virginia law with no intent of obscenity and that I didn't violate my Supervised Release because I didn't violate Virginia Law. U.S. Attorney Anand Prakash Ramaswamy didn't even object to the fact that I wasn't being obscene, if I read his reply correctly in the Federal Circuit. You can read his appellate arguments.

The procedural default is that the Attorney General had asserted that I am not technically under state custody from their argument. However I am entitled to Habeas Corpus review when I am actually innocent and that wrongfully convicting me on a technicality procedural default is a miscarriage of justice as a matter of law. It permits the FEDS to punish me for the misdemeanor, so I am double punished over the same state charge, over a charge that I should have been found innocent of.

**Bousley v. United States, 523 U.S. 614, 635 (1998) ("The Court evidently seeks to avoid this absurd consequence by prescribing that the defendant's "showing of actual innocence must also extend" to any charge the Government has "forgone," ante, at 624.")**

*McQuiggin v. Perkins*, 569 U.S. 383 (2013) ("Held: 1. Actual innocence, if proved, serves as a gateway through which a petitioner may pass whether the impediment is a procedural bar, as it was in *Schlup v. Delo*, 513 U.S. 298, 115 S. Ct. 851, 130 L. Ed. 2d 808, and *House v. Bell*, 547 U.S. 518, 126 S. Ct. 2064, 165 L. Ed. 2d 1, or expiration of the AEDPA statute of limitations, as in this case. Pp. 391-398, 185 L. Ed. 2d, at 1030-1034. (a) Perkins, who waited nearly six years from the date of the 2002 affidavit to file his petition, maintains that an actual-innocence plea can overcome AEDPA's one-year limitations period. This Court's decisions support his view. The Court has not resolved whether a prisoner may be entitled to habeas relief based on a freestanding actual-innocence claim, *Herrera v. Collins*, 506 U.S. 390, 404-405, 113 S. Ct. 853, 122 L. Ed. 2d 203, but it has recognized that a prisoner "otherwise subject to defenses of abusive or successive use of the writ may have his federal constitutional claim considered on the merits if he makes a proper showing of actual innocence," *id.*, at 404, 113 S. Ct. 853, 122 L. Ed. 2d 203.")



I am not trying to rude here, but I just have to state the law and the facts here. Once I had asserted "Actual Innocence" in my state Writ of Habeas Corpus petition and had demonstrated that the state is depriving me of liberty and financial income by garnishing my SSI disability under threat of me being thrown in jail, that barring me from challenging my criminal conviction on a technicality is itself a procedural bar and "Actual Innocence claims" are not to be procedurally barred according to the United States Supreme Court.

The highest Court that can even overrule the State Supreme Courts, the U.S. Supreme Court has original jurisdiction and interpretation over all matters concerning the United States Constitution and the Fourteenth Amendment of the Bill of Rights which enforces the Bill of Rights to all 50 states including Commonwealth states.

The Commonwealth of Virginia had lost the civil war in 1865 historically. Virginia does not have the power and authority to override the supremacy of the United States. The Federal Supremacy Clause applies to Virginia. Federal SSI disability income is protected from garnishment according to federal law. Also Virginia cannot overrule the precedent already set by the United States Supreme Court.

Actual Innocence can be brought up in a Habeas Corpus petition and can overcome any procedural default and even any statute of limitations. Jurisdictional bars don't even matter once actual innocence is asserted and established in a Writ petition.

Petitioner is entitled to relief and has every right to sue the Commonwealth of Virginia for wrongfully convicting him and depriving him of all of his basic Constitutional rights including but not limited to the right to effective assistance of counsel. Once actual innocence is established, all of his constitutional rights that were deprived which caused an innocent man to be wrongfully convicted can also be asserted in a Habeas Corpus petition since those violations of Petitioner's constitutional rights had caused the conviction of somebody who is innocent of his charge.

Respectfully the Petitioner asks that the Commonwealth of Virginia and Attorney General not be allowed to withdraw from the case to the extent where the Petition may be dismissed.

If the Attorney General simply doesn't want to respond, they don't have to and can tell the Court that they do not wish to respond to the Petition and can waive that right.

If the Commonwealth of Virginia simply doesn't want to respond, they don't have



to and can tell the Court that they do not wish to respond to the Petition and can waive that right.

Petitioner is actually innocent and will do whatever it takes to be acquitted. Petitioner's next move if dismissal happens is a Writ of Coram Vobis. This Supreme Court could even consider his original petition as a Writ of Coram Vobis under the liberal construction of pro se filings.

I will mail six copies of this letter if requested by the Clerk as an official reply to the Attorney General of Virginia's letter.

Thank You,  
Brian D. Hill

Former news reporter of USWGO Alternative News  
310 Forest Street, Apt. 2 Martinsville, Virginia 24112  
(276) 790-3505



CC: Rachel L. Yates  
Assistant Attorney General  
Office of the Attorney General of Virginia  
202 North Ninth Street  
Richmond, Virginia 23219  
(804)786-2071  
Fax # 804-786-1991 transmission  
Counsel for Appellee,

Brian D. Hill  
*Signed*  
*Ally of Qanon*  
*Drain The Swamp*  
*Qanon-S.O.S.*

CC: Glen Andrew Hall, Esq.  
Appellee  
Martinsville Commonwealth Attorney Office  
Fax: 276-403-5478 transmission,

CC: Hon. Ashby R. Pritchett, Clerk  
Martinsville Circuit Court Clerk  
**Please file in case nos. CR19000009-00 and CL19000331-00**  
Phone/Fax  
Phone: (276) 403-5106  
Fax: (276) 403-5232, transmission.





Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (http://www.ventafax.com)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/6/2020	Time: 2:15:21 AM
Number of pages: 25	Session duration: 35:14
Attn.: Rachel L. Yates, Esq.	To: Attorney General of Virginia
Recipient's number: T804-786-1991	Message type: Fax
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Letter to Supreme Court Error Correction: Yes\attorney General(6) (2020-03-06).tif	Resolution: 200*200 dpi
File description: Letter to Supreme Court Clerk responding to Attorney General(6)	Record number: 8099
Recipient's Fax ID: VA OAG	
Rate: 12000 bps	

**Response Letter to Clerk of the Supreme Court of Virginia concerning  
"Re: Brian David Hill v. Commonwealth of Virginia, Attorney General,  
Record No. 200267" Appellee letter dated March 3, 2020**

Started: Thursday, March 5, 2020

Finished: Friday, March 6, 2020

ATTN: The Honorable Douglas B. Robelen, Clerk of the Court  
Supreme Court of Virginia  
100 North 9th Street, 5th Floor, Richmond, Virginia 23219  
Phone: (804) 786-2251 V / TDD  
FAX : (804) 786-6249

Dear Hon. Robelen Hon. McCoy,

I am grateful for the clarification on the matter by the Assistant Attorney General of Virginia. I am also grateful that the Assistant Attorney General is keeping it professional as a lawyer and not lying about me in response unlike Glen Andrew Hall who does have a bad reputation with private lawyers I had free consultation with. I will keep with the legal chivalry here and provide a professional legal response as a non-lawyer. I will cite some of my personal and emotional opinions as well as it is my First Amendment right.

However Petitioner, Brian David Hill has a constitutional right to challenge the Commonwealth of Virginia when the Commonwealth has taken the liberty and financial interests of Petitioner. Petitioner will be happy to produce six copies of this letter if requested by the Clerk of this Court.

*Peverell v. Eskew*, Record No. 0060-01-4, at \*1 (Va. Ct. App. Apr. 23, 2002) ("The fourteenth amendment, in declaring that no State 'shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws,' undoubtedly intended, not only that there should be no arbitrary deprivation of life or liberty or arbitrary spoliation of property, but that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts; and that no



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (http://www.ventafax.com)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/6/2020	Time: 2:50:16 AM
Number of pages: 25	Session duration: 26:53
Attn.: Glen Andrew Hall, Esq.	To: Commonwealth Attorney
Recipient's number: T1-276-403-5478	Message type: Fax
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Letter to Supreme Court Error Correction: Yes\attorney General(6) (2020-03-06).tif	Resolution: 200*200 dpi
File description: Letter to Supreme Court Clerk responding to Attorney General(6)	Record number: 8100
Recipient's Fax ID: 12764035478	
Rate: 14400 bps	

**Response Letter to Clerk of the Supreme Court of Virginia concerning  
"Re: Brian David Hill v. Commonwealth of Virginia, Attorney General,  
Record No. 200267" Appellee letter dated March 3, 2020**

Started: Thursday, March 5, 2020

Finished: Friday, March 6, 2020

ATTN: The Honorable Douglas B. Robelen, Clerk of the Court  
Supreme Court of Virginia  
100 North 9th Street, 5th Floor, Richmond, Virginia 23219  
Phone: (804) 786-2251 V / TDD  
FAX : (804) 786-6249

Dear Hon. Robelen Hon. McCoy,

I am grateful for the clarification on the matter by the Assistant Attorney General of Virginia. I am also grateful that the Assistant Attorney General is keeping it professional as a lawyer and not lying about me in response unlike Glen Andrew Hall who does have a bad reputation with private lawyers I had free consultation with. I will keep with the legal chivalry here and provide a professional legal response as a non-lawyer. I will cite some of my personal and emotional opinions as well as it is my First Amendment right.

However Petitioner, Brian David Hill has a constitutional right to challenge the Commonwealth of Virginia when the Commonwealth has taken the liberty and financial interests of Petitioner. Petitioner will be happy to produce six copies of this letter if requested by the Clerk of this Court.

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# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP



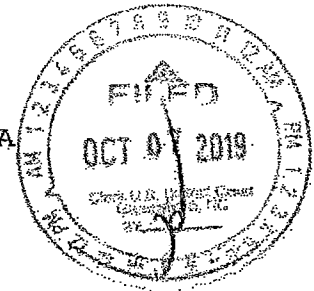
PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA            )  
  )  
  )            1:13CR435-1  
  )  
v.    )  
  )  
BRIAN DAVID HILL                         )

JUDGMENT AND COMMITMENT  
Supervised Release Violation Hearing

On September 12, 2019, a hearing was held on a charge that the Defendant had violated the terms and conditions of supervised release as set forth in the Court's Order filed July 24, 2015 and the Judgment filed November 12, 2014 in the above-entitled case, copies of which are attached hereto and incorporated by reference into this Judgment and Commitment.

The Defendant was represented by Renorda E. Pryor, Attorney.

The Defendant was found to have violated the terms and conditions of his supervised release. The violation(s) as follow were willful and without lawful excuse.

Violation 1. On September 21, 2018, the Defendant was arrested for the commission of a crime.

IT IS ORDERED that the Defendant's supervised release be revoked. The Court has considered the U.S. Sentencing Guidelines and the policy statements, which are advisory, and the Court has considered the applicable factors of 18 U.S.C. §§ 3553(a) and 3583(e).

IT IS ORDERED that the Defendant be committed to the custody

# Exhibit 2

USWGO

QANON // DRAIN THE SWAMP

**U.S.W.G.O.**

PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

COMMONWEALTH OF VIRGINIA  
VA. CODE §§ 19.2-354; 19.2-358

Case No(s). CR19000009-00

In the Circuit Court for the  City  County of MARTINSVILLE  
 COMMONWEALTH OF VIRGINIA

CITY  COUNTY OF MARTINSVILLE v. BRIAN DAVID HILL  
DEFENDANT

SSN: [REDACTED]-0319 DRIVER'S LICENSE NUMBER: UNKNOWN DRIVER'S LICENSE STATE: [REDACTED]

310 FOREST ST, APT 1, MARTINSVILLE, VA 24112  
RESIDENCE ADDRESS

MAILING ADDRESS IF DIFFERENT FROM ABOVE

TELEPHONE NUMBER

I. ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE

I acknowledge that I have been notified that my driver's license/driving privilege:

- is suspended or revoked for a period of ..... effective ..... as a result of
 my conviction by this Court.
 action taken by the Virginia Department of Motor Vehicles pursuant to Va. Code § 46.2-390.1 for the Court's conviction or finding of facts sufficient to convict me of violating the drug laws (Va. Code §§ 18.2-247 through 18.2-264) of this Commonwealth.
 Declaration by the Virginia Department of Motor Vehicles  Adjudication by ..... Court that I am a habitual offender.

I acknowledge that I owe fines, costs, forfeiture, restitution and/or penalty of \$ 1,222.45 plus any additional court-appointed attorney fee, if applicable.

I further certify that on this date this notice was read, understood by me, and I received a copy of the same, and that my driver's license

WAS  WAS NOT surrendered to this Court. Reason not surrendered: .....

November 15, 2019 (x) Brian D. Hill DEFENDANT

State/Commonwealth of:  Virginia  .....

County/City of: Martinsville

Acknowledged before me this day by Brian David Hill

November 15, 2019 DATE
JENNIFER C. GAIN JUDGE
Notary Registration No. My commission expires:

READ PART I ON THE BACK OF THIS FORM FOR MORE STIPULATIONS, WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ACKNOWLEDGMENT.

II. ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS
SEE PART II ON THE BACK OF THIS FORM FOR FURTHER STIPULATIONS, WARNINGS AND INFORMATION CONCERNING THIS NOTICE AND ORDER, WHICH ARE HEREBY INCORPORATED BY REFERENCE.

Upon due consideration, the Defendant's Petition for deferred or installment payments is accordingly ACCEPTED, and the Defendant is ORDERED to pay costs, fines, forfeiture, and penalty totaling \$ 1,222.45 plus restitution totaling \$ ..... plus any additional court-appointed attorney fee, court reporter fee, and interest, if applicable, by:

- making 4 installment payments of \$ 300.00 per 6MONTH beginning 05/15/2020 until paid in full; or
 making a deferred payment in full on or before 12/02/2019

Restitution payments are to be paid in accordance with the court's ORDER FOR RESTITUTION previously entered.
If Deferred payment is not received by the above due date, or if the final installment payment is not received by ..... the defendant is hereby given NOTICE to return to this Court on ..... at .....
The total listed above does not include transcript costs and any costs/damages that may be charged if you appeal from this court.

NOTICE: READ PART II ON THE BACK OF THIS FORM FOR MORE STIPULATIONS WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ORDER AND NOTICE.

Entered this 15TH day of NOVEMBER 2019

I have asked for and received a copy of this Order and Notice.
Ashby R. Pritchett JUDGE
(x) Brian D. Hill DEFENDANT

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

#### PART I

I understand that if I provide for payment of a fine or other monies due by a method other than cash and my payment fails, the Clerk will send me a written notice of my failure of payment. A penalty of \$50.00 or 10 percent of the amount of the payment, whichever is greater, may be charged if the method of payment fails.

I further understand that, if I am convicted of driving while my driver's license is suspended or revoked, I may be fined, sentenced to jail, or both.

I understand that upon suspension or revocation of my license, I may not operate a motor vehicle in the Commonwealth of Virginia until:

- (1) All periods of suspension imposed by any Court or the Department of Motor Vehicles have expired, AND
- (2) The Department of Motor Vehicles reinstates my license (if suspended) or issues a new license (if revoked) after:
  - (a) I have paid the reinstatement fee (if any) to the Department of Motor Vehicles, AND
  - (b) I have met all other administrative requirements of the Department of Motor Vehicles.

#### PART II

I understand that if the Court has ordered deferred or installment payments, or community service to pay all or part of the fines and costs, I must make all required payments or perform all community service on time.

I understand that:

- (1) as a condition of this agreement, I must promptly inform the Court of any change of my mailing address during the term of the agreement;
- (2) if the fines, costs, forfeiture, restitution, and/or penalty are not paid in full by the date ordered, that the Court shall proceed according to the provisions of Va. Code § 19.2-358, which state that a show cause summons or capias for my arrest may be issued;
- (3) the amount(s) listed in this agreement may be administratively amended by the Clerk of this Court in the event additional costs should be assessed and if additional costs are assessed, that the Clerk will forthwith issue a notice to me of the total amount due by first class mail to my address of record;
- (4) the Court or Clerk thereof may adjust the final payment date administratively, without further notice, for installment payment agreements, if I fail to make a scheduled payment or for deferred payments, if I fail to pay in full by the date ordered, for the purposes of referring the account for action pursuant to Va. Code § 19.2-358.

I further understand that if the Court does not receive payments as ordered, my case will be referred for collection enforcement action under §§ 19.2-349, 19.2-353.5, 19.2-358, or 58.1-520 through 58.1-534 of the Code of Virginia. If my case is referred for collection enforcement action under § 19.2-349, the amount that I owe and that can be collected will be increased to reflect the additional costs associated with collection action. If any part of the amount due remains unpaid, pursuant to § 19.2-358, I may be subject to a jail sentence of up to 60 days or an additional fine of up to \$500.00.

Pursuant to Va. Code § 19.2-353.5, if interest on outstanding fines and costs owed to this court accrued during a period when I was incarcerated, I may request that the interest that accrued when I was incarcerated be waived by this Court.

This Order and Notice is provided to the Defendant pursuant to Va. Code § 19.2-354. This Order shall not be spread on the Order Book of this Court.

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

of the Bureau of Prisons for imprisonment for a period of nine (9) months.

IT IS FURTHER ORDERED that supervised release of nine (9) years is re-imposed under the same terms and conditions as previously imposed.

The Defendant shall surrender to the United States Marshal for the Middle District of North Carolina or to the institution designated by the Bureau of Prisons by 12:00 p.m. on December 6, 2019.



United States District Judge

October 4, 2019.





# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA



# Exhibit 15

USWGO

QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS

MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138

MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS"



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

To Whom This May Concern:

On January 30, 2019 I went to the house at 310 Forest St., Martinsville, Va 24112 to measure and give a price for a Chimney cover. Roberta Hill and her parents: Ken & Stella Forinash escorted me to Apt 1 to show me the fireplace which had a small amount of white residue inside, no damage to the ceiling and wall around the fireplace. They then escorted me downstairs to Apt 2 where parts of the ceiling above the fireplace had fallen and there was a lot of damage in the remaining ceiling below the hearth of the fireplace in apt 1 located above apt 2 and a lot of damage along the wall in apt 2 above and on both sides of the fireplace as well as a lot of white residue inside of the fireplace. After this, we went down another flight of stairs to the basement where the gas boiler heater and the gas hot water heater were located to show me that there would be 3 holes in the chimney.

I then went outside and got my ladder to measure the chimney. This was when I found out that all 3 holes were covered with tin. Knowing that the gas boiler heater & gas hot water heater needed to be vented at all times, I immediately removed the tin covering the hole so carbon monoxide would no longer go through the house. Ms Hill had informed me that she had called a chimney sweep in Rocky Mount, VA in October, 2017 to clean the chimney and to put screen on all holes after the family spotted birds going into their fireplace the year before. In my 25 years of doing this type of work, this was the first time I have ever seen tin covering holes where it is important to vent gas heaters. I showed the family the tin I had just removed and had them to climb my ladder to look at the chimney. We then went back in the house, and I informed them that the white residue inside both fireplaces was from the gas that had no other place to escape and informed them that they had been exposed to carbon monoxide poisoning, but now that the tin had been removed, there should no longer be any problems. I returned to the house on February 4, 2019 and installed a stainless steel multifaceted chimney cap vented with screen on all 4 sides.

Signed as a witness on this date: Kenneth P. Forinash 6-13-19

Pete Compton 6-13-19

Pete Compton ACE Chimney & Wildlife; Bassett, VA  
Phone 276-629-4453



# Exhibit 1

USWGO

QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

VIRGINIA  
In City of Martinsville Circuit Court  
Clerk's Office.

Received and Filed this the

22 Day of July, 2019  
at 9:30 AM

Testa: Ashby R. Pritchett Clerk

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

To Whom This May Concern:

On January 30, 2019 I went to the house at 310 Forest St., Martinsville, Va 24112 to measure and give a price for a Chimney cover. Roberta Hill and her parents: Ken & Stella Forinash escorted me to Apt 1 to show me the fireplace which had a small amount of white residue inside, no damage to the ceiling and wall around the fireplace. They then escorted me downstairs to Apt 2 where parts of the ceiling above the fireplace had fallen and there was a lot of damage in the remaining ceiling below the hearth of the fireplace in apt 1 located above apt 2 and a lot of damage along the wall in apt 2 above and on both sides of the fireplace as well as a lot of white residue inside of the fireplace. After this, we went down another flight of stairs to the basement where the gas boiler heater and the gas hot water heater were located to show me that there would be 3 holes in the chimney.

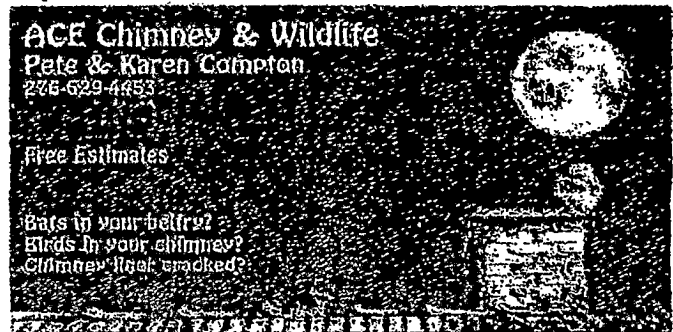
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Signed as a witness on this date: Kenneth P. Townsend 6-13-19

Pete Compton 6-13-19

Pete Compton ACE Chimney & Wildlife; Bassett, VA

Phone 276-629-4453



# Exhibit 10

USWGO

QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

2

Ramey, Nicole			DMX
Bouldin, Lauren, RN		RN	lbi
Reynolds, Daniel R		RN	dr

Corrections: (The following items were deleted from the chart)

09/21  
04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS EDMS  
09/21  
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Abrasion, right knee; Abrasion of unspecified front wall of thorax.  
Condition is Stable. Discharge Instructions: Medication  
Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:  
Further diagnostic work-up, Recheck today's complaints, Continuance  
of care. Follow up: Emergency Department; When: As needed; Reason:  
Fever > 102 F, Trouble breathing, Worsening of condition. Problem is  
new. Symptoms have improved. bdh  
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04:54 09/21 04:16 URINALYSIS W/REFLEX TO CULTURE+LAB ordered. EDMS EDMS

\*\*\*\*\*

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Ramey, Nicole  
Souldin, Lauren, RN  
Reynolds, Daniel R

nmr  
lbi  
dr  
RN  
RN

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Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

# Fax Cover Page

Date: 3/7/2020

Time: 12:28:08 AM

Pages: 8

To: Martinsville Circuit Court

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk

From: Brian David Hill

Fax ID: 276-790-3505

Please file under case no. CR19000009-00

Inquiry Letter re: PSYCHOLOGICAL EVALUATION; orig. case no. GC18-3138; Circuit Court Case Nos. CR19000009-00 and CL19000331-00

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 03/07/2020 @08:06:00

TESTE: \_\_\_\_\_  
CLERK/DEPUTY CLERK

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 03/09/2020 @09:16:14

TESTE: *EP Pritchett*  
CLERK/DEPUTY CLERK



**Inquiry Letter re: PSYCHOLOGICAL EVALUATION; orig. case no. GC18-3138; Circuit Court Case Nos. CR19000009-00 and CL19000331-00**

Friday, March 6, 2020

ATTN: Rebecca K. Loehrer, PhD  
Licensed Clinical Psychologist  
22 Montgomery Street  
Clarksburg, VA 24141  
Phone: 540-230-8554  
Fax: 540-639-3683

CC: Glen Andrew Hall, Esq., Martinsville Commonwealth Attorney Office by Fax: 276-403-5478 transmission,  
CC: Hon. Ashby Pritchett, Martinsville Circuit Court Clerk, case nos. CR19000009-00 and CL19000331-00, Fax: (276) 403-5232, transmission. After filing in both cases, please forward to Judge Greer for review.

Dear Rebecca K. Loehrer, PhD,

I need to conduct an inquiry and send you this inquiry letter as well as a copy to the prosecuting attorney as well as the Clerk of the Court so that it isn't an ex-parte communication, and is on the record with both parties and the Judge as to the case.

The inquiry regards case no. GC18-3138, the psychological evaluation that was conducted on November 19, 2018, and report dated November 26, 2018.

In any possible materials given to you by either myself or by Scott Albrecht or any any other sources of materials used in the evaluation, were the following materials used or cited in your evaluation?

- 1. Medical record from Dr. Conrad Daum of Piedmont Community Services, Forensic Psychiatrist, diagnosed Patient with "psychosis" on 10/24/2018.

My ex-lawyer Lauren McGarry had told me and my family in consultation in 2019 at the Public Defender Office that the psychosis diagnosis was reviewed by you, that was taken into consideration, and was used in the evaluation report. I read the report and see no mention of the dissemination of any medical record from Dr. Conrad Daum and nothing from Piedmont Community Services in your report.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Was the medical record report ever reviewed by you when you had conducted the evaluation or was the report not ever reviewed by you when the evaluation was conducted?

Please send a response in writing to both me, the Commonwealth Attorney, and the Circuit Court Clerk under case nos. CR19000009-00 and CL19000331-00 to document your response as to this inquiry. It can even be by fax, if the Court permits as per the rules. As it is quicker than mail.

Also I have another inquiry in regards to if you reviewed over the Sovah Hospital medical records dated September 21, 2018. I am attaching two pages in attachment to this letter. One page containing from the Circuit Court record, which is the last page of the acquired medical record from Sovah and the next page is a closeup of the lab tests being ordered which include alcohol, blood count, and likely drug testing as well. The lab tests were ordered, that would mean on the record that blood would have had to have been drawn from Brian David Hill---the patient---and the lab tests were canceled and Brian was discharged to police/jail without ever testing for any substances, narcotics, alcohol. No tests were ever completed despite sinus tachycardia found on the records.

Were you aware that lab tests were ordered but then it was to be deleted from the chart therefore covering up the blood vials and throwing away the blood samples which may have been exculpatory evidence of levels of carbon monoxide gas poisoning?

Were you ever made aware during the evaluation that Brian David Hill had lived in a home with blocked chimney flues with the ceiling and wall starting to deteriorate in 2018 causing parts of the ceiling to come down near the fireplace with white residue and unexpected moisture before Brian David Hill had been arrested?

Were you ever made aware during the evaluation that Brian's and his mother's home had carbon monoxide gas exposure for months and months according to chimney expert Pete Compton of ACE Chimney in Bassett, VA, as well as The Chimney Sweeper?

Thank You,  
Brian D. Hill

310 Forest Street, Apt. 2 Martinsville, Virginia 24112  
(276) 790-3505

*Brian D. Hill*  
*Signed*



Ally of Qanon – Where We Go One, We Go All (WWG1WGA)



2

Ramey, Nicole			nmt
Bouldin, Lauren, RN	RN		lbi
Reynolds, Daniel R	RN		dr

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Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

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Bouldin, Lauren, RN		RN	lbt
Reynolds, Daniel R		RN	dz

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Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (http://www.ventafax.com)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/7/2020	Time: 12:15:49 AM
Number of pages: 4	Session duration: 4:44
Attn.: Rachel L. Yates, Esq.	To: Attorney General of Virginia
Recipient's number: T804-786-1991	Message type: Fax
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Inquiry Letter to Virginia	Error Correction: Yes\evaluator(5) (2020-03-07).tif
File description: Inquiry Letter to Virginia District Court mental evaluator(5).p	Resolution: 200*200 dpi
Recipient's Fax ID: VA OAG	Record number: 8104
Rate: 14400 bps	

**Inquiry Letter re: PSYCHOLOGICAL EVALUATION; orig. case no. GC18-3138; Circuit Court Case Nos. CR19000009-00 and CL19000331-00**

Friday, March 6, 2020

ATTN: Rebecca K. Loehrer, PhD  
 Licensed Clinical Psychologist  
 22 Montgomery Street  
 Clarksburg, VA 24141  
 Phone: 540-230-8554  
 Fax: 540-639-3683

CC: Glen Andrew Hall, Esq., Martinsville Commonwealth Attorney Office by Fax: 276-403-5478 transmission,  
 CC: Hon. Ashby Pritchett, Martinsville Circuit Court Clerk, case nos. CR19000009-00 and CL19000331-00, Fax: (276) 403-5232, transmission. After filing in both cases, please forward to Judge Greer for review.

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Venta Fax & Voice (http://www.ventafax.com)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/7/2020	Time: 12:20:32 AM
Number of pages: 4	Session duration: 4:27
Attn.: Glen Andrew Hall, Esq.	To: Commonwealth Attorney
Recipient's number: T1-276-403-5478	Message type: Fax
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Inquiry Letter to Virginia	Error Correction: Noevaluator(5) {2020-03-07}.tif
File description: Inquiry Letter to Virginia District Court mental evaluator(5).p	Resolution: 200*200 dpi
Recipient's Fax ID: 12764035478	Record number: 8105
Rate: 14400 bps	

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Venta Fax & Voice (http://www.ventafax.com)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/7/2020	Time: 12:11:46 AM
Number of pages: 4	Session duration: 4:03
Attn.: Rebecca K. Loehrer, PhD	To: Rebecca K. Loehrer, PhD
Recipient's number: T1-540-639-3683	Message type: Fax
Filename: C:\ProgramData\Venta\Fax & Voice 6\Out\Inquiry Letter to Virginia	Error Correction: Yes\evaluator(5) (2020-03-07).tif
File description: Inquiry Letter to Virginia District Court mental evaluator(5).p	Resolution: 200*200 dpi
Recipient's Fax ID: 5406393683	Record number: 8103
Rate: 14400 bps	

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Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

# Fax Cover Page

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Date: 3/7/2020

Time: 12:35:11 AM

Pages: 8

**To: Martinsville Circuit Court**

**Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk**

**From: Brian David Hill**

**Fax ID: 276-790-3505**

**Please file under case no. CL19000331-00**

**Inquiry Letter re: PSYCHOLOGICAL EVALUATION; orig. case no. GC18-3138; Circuit Court Case Nos. CR19000009-00 and CL19000331-00**



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Was the medical record report ever reviewed by you when you had conducted the evaluation or was the report not ever reviewed by you when the evaluation was conducted?

Please send a response in writing to both me, the Commonwealth Attorney, and the Circuit Court Clerk under case nos. CR19000009-00 and CL19000331-00 to document your response as to this inquiry. It can even be by fax, if the Court permits as per the rules. As it is quicker than mail.

Also I have another inquiry in regards to if you reviewed over the Sovah Hospital medical records dated September 21, 2018. I am attaching two pages in attachment to this letter. One page containing from the Circuit Court record, which is the last page of the acquired medical record from Sovah and the next page is a closeup of the lab tests being ordered which include alcohol, blood count, and likely drug testing as well. The lab tests were ordered, that would mean on the record that blood would have had to have been drawn from Brian David Hill---the patient---and the lab tests were canceled and Brian was discharged to police/jail without ever testing for any substances, narcotics, alcohol. No tests were ever completed despite sinus tachycardia found on the records.

Were you aware that lab tests were ordered but then it was to be deleted from the chart therefore covering up the blood vials and throwing away the blood samples which may have been exculpatory evidence of levels of carbon monoxide gas poisoning?

Were you ever made aware during the evaluation that Brian David Hill had lived in a home with blocked chimney flues with the ceiling and wall starting to deteriorate in 2018 causing parts of the ceiling to come down near the fireplace with white residue and unexpected moisture before Brian David Hill had been arrested?

Were you ever made aware during the evaluation that Brian's and his mother's home had carbon monoxide gas exposure for months and months according to chimney expert Pete Compton of ACE Chimney in Bassett, VA, as well as The Chimney Sweeper?

Thank You,  
Brian D. Hill

310 Forest Street, Apt. 2 Martinsville, Virginia 24112  
(276) 790-3505

*Brian D. Hill*  
*Signed*



Ally of Qanon – Where We Go One, We Go All (WWG1WGA)



2

Ramey, Nicole RN dmx
Bouldin, Lauren, RN RN lbl
Reynolds, Daniel R RN dr

Corrections: (The following items were deleted from the chart)
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04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS EDMS
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Condition is Stable. Discharge Instructions: Medication
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\*\*\*\*\*



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Ramey, Nicole  
Bouldin, Lauren, RN  
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nmr  
lb1  
dz

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Date: 3/7/2020	Time: 12:15:49 AM
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Date: 3/7/2020	Time: 12:20:32 AM
Number of pages: 4	Session duration: 4:27
Attn.: Glen Andrew Hall, Esq.	To: Commonwealth Attorney
Recipient's number: T1-276-403-5478	Message type: Fax
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Transmission ticket for Fax ID: 276-790-3505

Date: 3/7/2020

Number of pages: 4

Attn.: Rebecca K. Loehrer, PhD

Recipient's number: T1-540-639-3683

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Inquiry Letter to Virginia

File description: Inquiry Letter to Virginia District Court mental evaluator(5).p

Recipient's Fax ID: 5406393683

Rate: 14400 bps

Time: 12:11:46 AM

Session duration: 4:03

To: Rebecca K. Loehrer, PhD

Message type: Fax

Error Correction: Yes;valuator(5) (2020-03-07).tif

Resolution: 200\*200 dpi

Record number: 8103

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VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b><u>Civil Action No. CL20000089-00</u></b>
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-</b>
	)	<b>00</b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	
_____	)	<b>Affidavit/Declaration by Brian</b>
	)	<b>Hill in support of Brian David</b>
	)	<b>Hill's "Motion for writ of error</b>
	)	<b>coram vobis"</b>

**Affidavit/Declaration by Brian Hill in support of Brian David Hill's "Motion for writ of error coram vobis"**

I, Brian D. Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

I did tell Martinsville Police Officer Robert Jones the truth on September 21, 2018, about what I believed had happened at the time was a guy wearing a hoodie who had said that my mother Roberta Hill would be killed if I didn't get naked and take photos of myself. At a later time I had discovered new information that had changed my suspicions and now it is clear, that carbon monoxide is what I believe had caused me to do what had happened on September 21, 2018. It would explain why I thought I was drugged. It would explain why I behaved in an unexpected and an abnormal way.

I had mailed evidence on July 20, 2019, to the Martinsville Police Department in the envelope with certified mail tracking number 7017-2680-0000-5750-9122 and



return receipt tracking number: 9590-9402-3527-7275-7497-41. It was signed for by Police Chief G. E. Cassady on August 7, 2019 2:52 pm, the date and time sourced from the U.S. Postal Service database which can be found out by having somebody check that information at the USPS website or even by me phone calling the USPS customer care number to track a package. I have the return receipt and have verified that it was G. E. Cassady due to the signature and what was written on the return receipt, and the envelope was restricted delivery.

After November 15, 2019, when the Circuit Court withdrawn my appeal in the Circuit Court, I asked Matthew Scott Thomas Clark—my Attorney to give me a copy of the case files of my state case as I was going to use those case files to fight my own case in a Writ of Habeas Corpus petition and any other means to try to overturn my wrongful state conviction since I knew that counsel was ineffective.

Then I received a lot of papers as well as the original envelope of what was mailed to Martinsville Police Chief G. E. Cassady, yes that same envelope under certified mail tracking number: 7017-2680-0000-5750-9122 and return receipt tracking number 9590-9402-3527-7275-7497-41, it was never opened up and never investigated by anybody. I was shocked that Attorney Matthew Clark had my envelope that was supposed to be disseminated to the Martinsville Police Department full of evidence including the threatening greeting card that my mother received, and cumulative evidence of carbon monoxide. I was shocked that the Police Department did not ever open the envelope to investigate any of the evidence. I was angry at Martinsville Police Department, felt like filing a complaint against them but all I can do is expose to the Martinsville Circuit Court, as well as to the Federal Court if necessary that Martinsville Police Department refused to investigate any evidence including the threatening greeting card that my mother received from Nashville, Tennessee in 2018.

I took photos of that envelope to submit to the Court as evidence for the Writ of Error Coram Vobis (Nobis). I never opened the envelope as I already had a photocopy of the entire contents of the envelope. I am keeping it sealed and in a box as evidence for use in the Writ of Error Coram Vobis (Nobis), that evidence was never investigated by Officer Robert Jones, that Martinsville Police Department was incompetent and did not do their job to protect me from criminals including those sending my mother a threatening greeting card. I was



even willing to be questioned by Martinsville Police without a lawyer to let them know about the threatening greeting card and the carbon monoxide but they didn't care.

When I was at the Federal Correctional Institution 1 at Butner, North Carolina inside of the Federal Correctional Complex during the court ordered mental evaluation from January to I believe around April of 2019, during one of the visitation times when my family visited me, my family told me around I believe in February or March, I am not sure as I am not sure if I noted the exact date of when my family told me. They told me about the carbon monoxide and I told my family that I think it had something to do with what had happened and asked them to look into it. Then they mailed me as well as stuff to forensic psychologist Dr. Dawn Graney, about the carbon monoxide damage in Apartment 2 which was my Apartment around the time that I went out to the Dick and Willie hiking trail on December 21, 2018. It talked about hallucinations as one of the symptoms of carbon monoxide exposure. The reason my family was agreeing to the bond conditions for my Federal Supervised Release Violation on May, 2019, was because they realized that it was the carbon monoxide that had caused me to do that weird stuff on September 21, 2018, from what my mother, grandma, and grandpa had told me verbally. The reason my family didn't agree with Scott Albrecht with wanting to have me out on bond in 2018 and released to my residence was because my family didn't know about the carbon monoxide and didn't understand why I was out there naked and wandering off by myself. My family was angry at me, they thought I would repeat that wandering outside behavior and didn't want me wandering out at night again. After they found out about the carbon monoxide in January 2019 as I was told, and I never repeated that behavior again, and never wandered outside at night again. I feel nothing compelling me to walk outside at night even though on September 20, 2018, late at night, something did compel me to walk outside at night wandering around and then the guy in the hoodie and that weird stuff. I felt that I absolutely had to, that strongly I felt the need to walk around outside at night, and didn't understand why I felt such a huge need to do so. I thought I was directed to do so, I thought it had something to do with the guy wearing the hoodie, I was telling the truth because at the time that was all I had to go by. That was all I could think of as reason why I was out on September 21, 2018.



Now that I am aware of the carbon monoxide evidence, the white residue in my fireplace and what was in my mother's fireplace, now I understand why I did what I did on September 21, 2018. I am not expecting the Commonwealth Attorney and the Police to ever believe me, but the more proof I can get it gives me clarity to understand that it was not my fault why I ended up naked on the Dick and Willie hiking trail on September 21, 2018. I apologize for it, I will never do it again, but I did not break the law and I believe what Scott Albrecht had originally told me was correct, that I was technically legally innocent of indecent exposure because of not being obscene and not having the intent to do such. Anytime I tell an average person about my story about the carbon monoxide and what happened on the Dick and Willie trail, they understand and knowing that at night nobody of the public in their right mind is going to be out walking the trail and no children walks that trail at night, at least the night that I was on that trail to my knowledge nobody in their right mind will walk that trail all alone, they feel that I didn't try to do something with criminal intent when they hear of my story. The average person understands that people who get drunk on alcohol, drugs, or is on a substance or gas, might do something crazy and unexpected. That person might run around naked like somebody being addicted to Bath Salts. Yeah I have read articles in the past of people that taken bath salts running around naked and eating the flesh of somebody when on Bath Salts. However I was never on any of that, I was never taking Bath Salts and never tried that. Just saying an example here. There are examples of those who were caught naked in public while on a drug, alcohol, substance, or even a gas that can mentally drive somebody crazy. I told my family in 2018 that I thought I was drugged from that night on September 21, 2018, I had black outs, when I was first arrested in Martinsville City Jail I kept just wanting to sleep and had pain. It was painful even getting up. I wasn't thinking straight and at times I had acted crazy like during one time screaming in the cell and at other times cussing out the jail guards and cussing out Martinsville Police. I had never acted like that in my life. When I had operated USWGO Alternative News I was polite to the police and was doing my job as an investigative journalist for alternative media but that was such a long time ago, from 2009 to 2012 that I had operated USWGO Alternative News. It was like I threw caution to the wind and did not care about consequences. Carbon monoxide, who knows what kind of damage it was doing to me. It can cause brain damage too. My mother had told me verbally that she worries that she may have



brain damage from the carbon monoxide. She didn't use to need reading glasses until after being exposed to carbon monoxide, her eyes have gotten worse and mine has as well. The carbon monoxide does something to the brain and possibly the nerves.

I did also try to fax information about my situation to the Fire Marshal's Office and they did not ever respond to my fax. I feel like nobody wants to investigate this and that nobody cares to even do so.

So if Glen Andrew Hall, the Commonwealth Attorney of Martinsville, Virginia, argues that the police never found a guy wearing a hoodie, they wouldn't even question my mother about the threatening greeting card and never asked for my mother to turn it over to them. I am aware of this because my mother still has the original anonymous threatening greeting card and the other anonymous greeting cards from Nashville, Tennessee. Anybody sending threats anonymously through the Postal Service is likely committing a federal or state crime. For the Martinsville Police refusing to ever question me and to ever question my family, and just have the court appoint me lawyers that were all ineffective, I felt abandoned by our justice system, **I felt abandoned by our Police Department.** As a citizen of Martinsville, it is my right and duty to report crimes and mail evidence to the Police, but they have failed me and my family. What a tragedy!

**I will NEVER trust Martinsville Police Department ever again, I will no longer call them again for anything important as that they are incompetent, ineffective, and don't investigate any crimes I may report to them.** They won't listen to me so why should I waste my time calling them during an emergency. Instead I will call the FBI as they might do something more about me reporting the crime than Martinsville Police Department. **I don't trust them, they betrayed me and my family, and they ignored evidence, and allowed me and my mother to be a victim of a threatening greeting card and never asking to see the cards.**

I was shocked that the envelope to the Police Chief was in the possession of Attorney Matthew Clark who kept begging me and my family to withdraw my appeal without telling me of the consequences I faced and the rights I would lose by doing such. Matthew Clark is unconstitutionally ineffective. Matthew Clark betrayed me and family too. The deputy Clerk at the Martinsville Circuit Court told me in regards to the attorney fees on November 15, 2019, that it doesn't



include the fees that Matthew Clark may charge me for withdrawing my appeal and accepting the decision of the General District Court. That is cold and cruel, and nasty for Matthew Clark to beg me to withdraw my appeal knowing that my Social Security Disability SSI disbursement would be garnished to not just pay the Commonwealth but also to the very Attorneys that told me to give up and withdraw my appeal. That was a traitorous and scummy thing to do. Matthew Clark made me so angry that I am going to have to pay his attorney fees for doing absolutely nothing to put himself on the line to actually defend me, I felt like cussing him out over the phone but refrained from doing so. I have also thought about suing him and filing a BAR complaint as well as asking my mother to write bad reviews on him for other people to see. I was so angry that Matthew Clark would sell me out and then can extort money off of that from me. It is extortion when somebody illegally demands money from you. It is unlawful to garnish SSI disability disbursements. It seems like extortion to me. I feel it is extortion and Matthew Clark didn't do anything to fight and attempt to get the case dismissed, he didn't even try to submit any evidence, didn't find any expert witness to testify. He just totally sold me out. He didn't even ask the Police Chief to accept my envelope. He didn't even try to ask the Police or Commonwealth Attorney to simply review over the evidence of threatening greeting card and carbon monoxide proof inside of the envelope. That is warped and a miscarriage of justice.

Again, I was shocked that he had the envelope and didn't even try to give it back to Martinsville Police, never told me anything about him taking possession of the envelope after it was transferred to the Commonwealth Attorney. He didn't do anything to show that I was innocent of indecent exposure, he didn't even try to establish any reasonable doubts. Reasonable doubts can be raised at a jury trial or bench trial. Carbon monoxide was a reasonable doubt. The Hospital of Sovah in Martinsville, also known as Martinsville Memorial Hospital deleted the entries from the chart and didn't do anything with the blood vials of what was drawn from my arm at the Hospital on September 21, 2018, that was not professional. That would be a reasonable doubt that laboratory tests were canceled/deleted from chart without my knowledge.



If the General District Court or any other Court was told that I was medically cleared when I was charged with indecent exposure, which is a lie and is not a fact. That is a lie, that is not a fact, that is a lie, that is lie. I cannot stand for this.

How could I be medically cleared when I had two abnormally high blood pulse readings which is Sinus Tachycardia when it is over 100 for resting blood pulse? My blood sugar appeared to have never been tested when I reviewed over my medical record for September 21, 2018. So the Hospital screwed up big time and I can prove this to the Court. They knew I had sinus tachycardia and cuts/abrasions all on my body and yet released me to jail shortly afterwards which caused me to have possibly scars and having open abrasions/cuts in Jail which of course is the worst place to have cuts and wounds. Jails have a lot of diseases and the Hospital knew I was going to jail. Then they put in the medical report for me to see my doctor the next day. They knew discharging me to Jail would prevent that from happening. How careless of Sovah Hospital!!!!!! They lied, this was medical neglect at best, who knows at worst.

It says from the medical report "Private Physician; When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care" However how could I see my private physician the next day when I was in jail? So this proves that I was not medically cleared because Sovah Hospital was incompetent and I believe had medically neglected me. The Hospital released me with Sinus Tachycardia readings, refused to complete the Laboratory tests that were ordered after drawing my blood, and they didn't even check my diabetic blood sugar even though they said I was diabetic on the medical record of the Hospital on September 21, 2018. It says from the medical record and I quote that "04:48 28-year-old male with diabetes and autism presents for evaluation..." The Hospital had medically neglected me and should not have cleared me for release. I plan on suing Sovah Hospital and Martinsville City Jail for medical neglect, malpractice, and medical indifference before September 21, 2018, if that is what it takes. I will sue Sovah Hospital for damages of medical neglect and such neglect causing my wrongful conviction to pay for the legal fees that Martinsville Circuit Court demands that I pay over the criminal case. They allowed my bloodwork for the Laboratory testing to be destroyed which could have exonerated me and would have been more provable than me talking about some guy wearing a hoodie. The General District Court Judge would have believed carbon monoxide



had the exculpatory evidence been preserved. The Police failed me, the Attorneys failed me. I will never trust Martinsville Police again, I will never trust a court appointed lawyer ever again, I will never trust a lawyer paid for by the Government ever again, EVER.

If Martinsville General District Court knew any of this, would they have convicted me????????????? There were Courts that were not told by the Commonwealth Attorney and not be Scott Albrecht, not told by Lauren McGarry, and not even by Matthew Scott Thomas Clark. If the truth can come out, it will be embarrassing to Martinsville Police Department, they rather the truth be buried and convict me like everyone else, like all the other poor slaves working for change each hour. It is systematic slavery by the State.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 25, 2020.

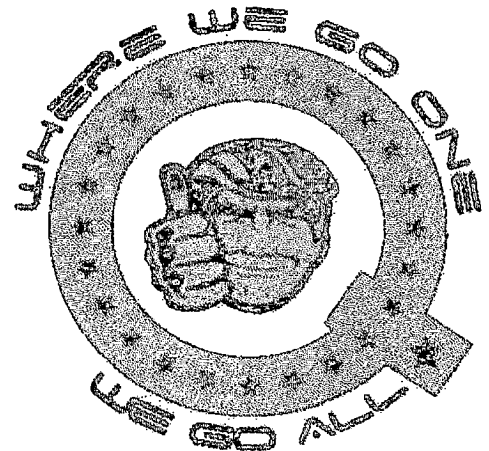
Signed,

*Brian D. Hill*  
*Signed*



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*







Filed with the Honorable Circuit Court of Martinsville, this the 25<sup>th</sup> day of March, 2020.

Signed,

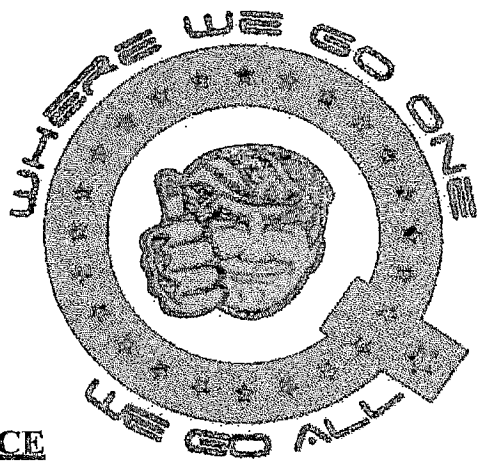
*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**

Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505



*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of March, 2020, I caused this “Affidavit/Declaration of Brian Hill in support of Brian David Hill’s “Motion for writ of error coram vobis” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s



Office of Martinsville (Fax #276-403-5478) and will attach proof of service  
(Transmission ticket receipt for proof of transmission) which shall satisfy proof of  
service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

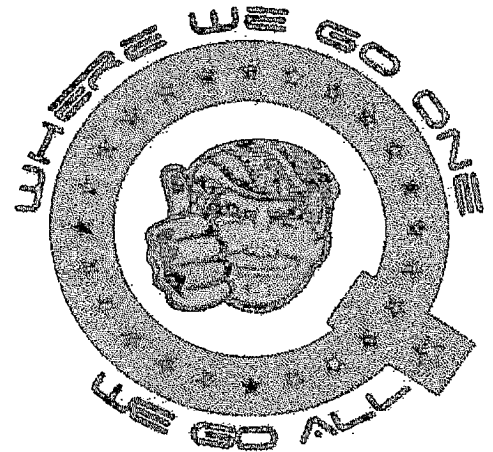
Signed,

*Brian D. Hill*  
*Signed*



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*





Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (http://www.ventafax.com)
Transmission ticket for Fax ID: 276-790-3505

Date: 3/25/2020 Time: 1:04:28 AM
Number of pages: 10 Session duration: 13:57
Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney
Recipient's number: T1-276-403-5478 Message type: Fax
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File description: Declaration of Brian Hill for Coram Vobis Virginia Court (3)Sig Resolution: 200\*200 dpi
Recipient's Fax ID: 12764035478 Record number: 8119
Rate: 14400 bps

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA, Plaintiff, v. BRIAN DAVID HILL, Defendant. Civil Action No. CL20000089-00 Criminal Action No. CR19000009-00 Affidavit/Declaration by Brian Hill in support of Brian David Hill's "Motion for writ of error coram vobis"

VIRGINIA In-City of Martinsville Circuit Court Clerk's Office. Received and Filed this the 25th Day of March 2020 at 9:50 A.M. by fax. Testa: Ashby R. Pritchett Clerk

Affidavit/Declaration by Brian Hill in support of Brian David Hill's "Motion for writ of error coram vobis"

I, Brian D. Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

I did tell Martinsville Police Officer Robert Jones the truth on September 21, 2018, about what I believed had happened at the time was a guy wearing a hoodie who had said that my mother Roberta Hill would be killed if I didn't get naked and take photos of myself. At a later time I had discovered new information that had changed my suspicions and now it is clear, that carbon monoxide is what I believe had caused me to do what had happened on September 21, 2018. It would explain why I thought I was drugged. It would explain why I behaved in an unexpected and an abnormal way.

I had mailed evidence on July 20, 2019, to the Martinsville Police Department in the envelope with certified mail tracking number 7017-2680-0000-5750-9122 and

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b><u>Civil Action No. CL20000089-00</u></b>
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-</b>
	)	<b>00</b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	
_____	)	<b>Affidavit/Declaration by Roberta</b>
	)	<b>Hill in support of Brian David</b>
	)	<b>Hill's "Motion for writ of error</b>
	)	<b>coram vobis"</b>

**Affidavit/Declaration by Roberta Hill in support of Brian David Hill's "Motion for writ of error coram vobis"**

I, Roberta Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

My son, Brian Hill, and I were exposed to carbon monoxide for about a year in 2018-2019. A fireplace company came out to our home in January 2019 and found that the chimney was completely covered up with tin. He said that carbon monoxide was flowing into both of our apartments. My son started to talk about how he had trouble thinking. I began to feel tired all the time and I was having trouble thinking, as well. After the tin was taken off of our chimney, we began to start feeling better and after about a year we recovered from the symptoms of carbon monoxide exposure.

Brian told me that he doesn't remember all that happen on the early morning of September 21, and he told me that he blacked out. At the time, I was wondering



if he had an insulin reaction, but now I believe that he was exposed to a lot of carbon monoxide that night.

In December 2017, I started receiving cards in the mail by an anonymous person or people from Nashville, TN. This person sent a card with a threat in May 2018. No police officer ever asked about these cards, despite the fact that Brian told the police officers that we had received a threat in the mail.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 24, 2020.

Signed,

*Roberta Hill*

Roberta Hill  
310 Forest Street, Apt. 1  
Martinsville, Virginia 24112

Filed with the Honorable Circuit Court of Martinsville, this the 24<sup>th</sup> day of March, 2020.

Signed,

*Brian D. Hill*  
*Signed*

Brian D. Hill (Pro Se)  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of March, 2020, I caused this "Affidavit/Declaration of Roberta Hill in support of Brian David Hill's



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

“Motion for writ of error coram vobis” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

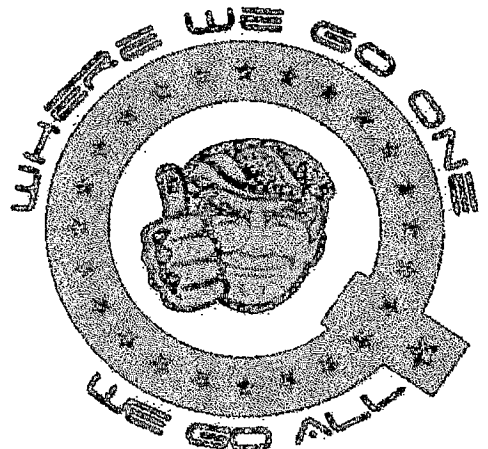
Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
Signed

Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*





Venta Fax & Voice (http://www.ventafax.com) Transmission ticket for Fax ID: 276-790-3505

Date: 3/24/2020 Time: 6:53:54 PM
Number of pages: 3 Session duration: 3:35
Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney
Recipient's number: T1-276-403-5478 Message type: Fax
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File description: Declaration of Roberta Hill for Coram Vobis Virginia Court (2)Si Resolution: 200\*200 dpi
Recipient's Fax ID: 12764035478 Record number: 8116
Rate: 14400 bps

VIRGINIA In City of Martinsville Circuit Court Clerk's Office.

Received and Filed this the 25th Day of March 2020 at 9:50 AM by fax Testa: Ash R Pritchett - Clerk

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA, Plaintiff, v. BRIAN DAVID HILL, Defendant. Civil Action No. CL20000089-00 Criminal Action No. CR19000009-00 Affidavit/Declaration by Roberta Hill in support of Brian David Hill's "Motion for writ of error coram vobis"

Affidavit/Declaration by Roberta Hill in support of Brian David Hill's "Motion for writ of error coram vobis"

I, Roberta Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

My son, Brian Hill, and I were exposed to carbon monoxide for about a year in 2018-2019. A fireplace company came out to our home in January 2019 and found that the chimney was completely covered up with tin. He said that carbon monoxide was flowing into both of our apartments. My son started to talk about how he had trouble thinking. I began to feel tired all the time and I was having trouble thinking, as well. After the tin was taken off of our chimney, we began to start feeling better and after about a year we recovered from the symptoms of carbon monoxide exposure.

Brian told me that he doesn't remember all that happen on the early morning of September 21, and he told me that he blacked out. At the time, I was wondering

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	<b>Letter to Clerk</b>
	)	
_____	)	

Letter to Clerk

Hon. Ashby R. Pritchett, Clerk  
Phone: 276-403-5106  
Fax: 276-403-5232  
55 West Church Street, Room 205  
P.O. Box 1206  
Martinsville, VA 24114

I, Brian D. Hill, file this short letter notifying the Clerk and the Court of Appeals of Virginia that the criminal case of "Commonwealth of Virginia v. Brian David Hill" is being challenged on two different civil cases with evidence attached to both petitions in those civil cases. Since it is under direct appeal, the Court of Appeals should be informed that there are two civil cases that are challenging the final judgment on November 15, 2019 in the Circuit Court and/or the final judgment on December 21, 2018, in the Martinsville General District Court.

**Writ of Habeas Corpus** – Filed: 11/18/19, Case no. CL19000331-00, Appealed on 11/20/19 to Court of Appeals of Virginia but was transferred to Supreme Court of Virginia, Appeal still pending

**Writ of Error Coram Vobis/Nobis** – Filed: 03/16/20, Case no. CL20000089-00, Case active and pending in Circuit Court





I want to make sure that the Court of Appeals and the record of the criminal case is made aware that there are two pending civil cases asking for relief against the final judgment in this criminal case. With the coronavirus COVID-19, it may be more difficult to notify the Clerk’s office in the Court of Appeals since it is in Richmond, Virginia, and uncertainty that the letter would even be delivered during these times of lockdown. However since any new pleadings cause an addendum to the Court of Appeals, this short letter should be notice to both Courts that two civil cases connected to this criminal case are pending either by timely direct appeal or still pending in the Circuit Court.

Filed with the Honorable Circuit Court of Martinsville, this the 25<sup>h</sup> day of March, 2020.

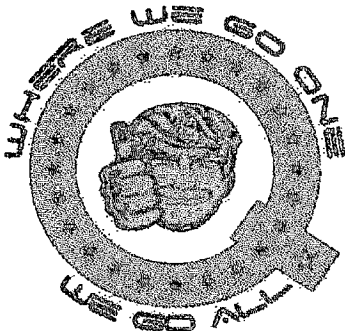
Signed,

*Brian D. Hill*  
*Signed*



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of March, 2020, I caused this “Letter to Clerk” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-



403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
*Signed*



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*





Return to Case Main Menu Logoff

Martinsville Circuit - Civil Division Pleadings/Orders Detail

Case Number: CL19000331-00

Filed	Type	Party	Judge	Book	Page	Remarks
11/18/19	Writ Of Habeas	PLT				WHC:
11/20/19	Final Order	ERH	GCG			ORDER TO DISMISS
11/20/19	Appeal Notice	ERH				NOTICE OF APPEAL
11/25/19	Motion					MOT TO RECONSIDER
11/25/19	Order	ERH	GCG			DENYING MOT TO RECONSIDER
01/14/20	Appeal Submitted/Received Confirmation	ERH				
01/14/20	Other	ERH				APPEAL TABLE OF CONTENTS
01/14/20	Appeal Submitted/Received Confirmation	ERH				EMAIL CONFIRMATION
02/18/20	Transfer Jurisdiction/Venue	ARP				TRANSFER TO SUPREME COURT
03/06/20	Response	ERH				B. HILL TO LET. FROM SCV
03/09/20	Letter	ERH				PSYCHOLOGICAL EVALUATION

Return to Case Main Menu Logoff

Build #: 3.8.1.1



- Name List
- Pleadings/Orders
- Services
- Main Menu
- Logoff

**Martinsville Circuit - Civil Division**  
**Case Details**

<b>Case Number:</b> CL20000089-00	<b>Filed:</b> 03/16/20
<b>Filing Type:</b> Petition	
<b>Number of Plaintiffs:</b> 0001	<b>Number of Defendants:</b> 0001
<b>Commenced By:</b> Initial Filing	
<b>Bond:</b>	<b>Complex Case:</b>

If there are more than three plaintiffs or defendants as indicated under "Number of Plaintiffs" or "Number of Defendants" in the table above, please contact the court for the additional party information.

**Plaintiffs**

Plaintiff: **COMMONWEALTH OF VIRGINIA**  
 Trading as:  
 Attorney:

**Defendants**

Defendant: **HILL, BRIAN DAVID**  
 Trading as:  
 Attorney:

**Hearings**

#	Date	Time	Type	Room	Duration	Jury	Result
---	------	------	------	------	----------	------	--------

**Date Ordered To Mediation:**

**Final Disposition**



- **Judgment:**
- **Final Order Date:**
- **Appealed Date:**
- **Concluded By:**

Name List	Pleadings/Orders	Services	Main Menu	Logoff
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Build #: 3.8.1.1



[Return to Case](#) [Main Menu](#) [Logoff](#)

Martinsville Circuit - Civil Division  
 Pleadings/Orders Detail

**Case Number:** CL20000089-00

Filed	Type	Party	Judge	Book	Page	Remarks
03/16/20	Initial Filing	PLT				WCN:
03/19/20	Other	ERH				ENDORSEMENT OF FILING
03/19/20	Affidavit	ERH				DECLARATION IN SUPPORT

[Return to Case](#) [Main Menu](#) [Logoff](#)

Build #: 3.8.1.1



**Martinsville Circuit - Civil Division**  
**Service Details**

**Case Number:** CL20000089-00

Name	Number	Type	Hear Date	Date Served	How Served
HALL, GLEN ANDREW; ESQ	1	Petition		03/19/20	In Person/Notified In Court

Build #: 3.8.1.1



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (http://www.ventafax.com)
Transmission ticket for Fax ID: 276-790-3505

Date: 3/25/2020

Number of pages: 8

Attn.: Glen Andrew Hall, Esq.

Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Letter to Clerk by Brian

File description: Letter to Clerk by Brian D. Hill documenting pending civil case

Recipient's Fax ID: 12764035478

Rate: 14400 bps

Time: 12:57:26 AM

Session duration: 7:04

To: Commonwealth Attorney

Message type: Fax

Error Correction: No pending civil cases (2) Signed (2020-03-25).tif

Resolution: 200\*200 dpi

Record number: 8118

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA, Plaintiff, v. BRIAN DAVID HILL, Defendant. Criminal Action No. CR19000009-00. Letter to Clerk

Letter to Clerk

Hon. Ashby R. Pritchett, Clerk
Phone: 276-403-5106
Fax: 276-403-5232
55 West Church Street, Room 205
P.O. Box 1206
Martinsville, VA 24114

VIRGINIA
In City of Martinsville Circuit Court
Clerk's Office.
Received and Filed this the
25th Day of March, 2020
at 9:50 AM by fax
Testa: [Signature] Clerk

I, Brian D. Hill, file this short letter notifying the Clerk and the Court of Appeals of Virginia that the criminal case of "Commonwealth of Virginia v. Brian David Hill" is being challenged on two different civil cases with evidence attached to both petitions in those civil cases. Since it is under direct appeal, the Court of Appeals should be informed that there are two civil cases that are challenging the final judgment on November 15, 2019 in the Circuit Court and/or the final judgment on December 21, 2018, in the Martinsville General District Court.

Writ of Habeas Corpus - Filed: 11/18/19, Case no. CL19000331-00, Appealed on 11/20/19 to Court of Appeals of Virginia but was transferred to Supreme Court of Virginia, Appeal still pending

Writ of Error Coram Vobis/Nobis - Filed: 03/16/20, Case no. CL20000089-00, Case active and pending in Circuit Court





Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No.</b>
<b>Plaintiff,</b>	)	<b>CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	
	)	<b>NOTICE OF LAWSUIT</b>
_____	)	
	)	

**NOTICE OF LAWSUIT**

Hon. Ashby R. Pritchett, Clerk  
Phone: 276-403-5106  
Fax: 276-403-5232  
55 West Church Street, Room 205  
P.O. Box 1206  
Martinsville, VA 24114

I, Brian D. Hill, file this NOTICE OF LAWSUIT that is to be docketed in case no. CR19000009-00, and the lawsuit is being filed against the Hon. Judge Giles Carter Greer as well as Glen Andrew Hall, Esq., Matthew Scott Thomas Clark, and Lauren McGarry. The lawsuit is being filed under 42 U.S. Code § 407 of the Social Security Act. An injunction is the intent of this lawsuit. To block this Court from demanding legal fees on November 15, 2019, to Brian David Hill. The lawsuit has been mailed out by the time you even read this letter. Brian may also file an emergency temporary injunction motion to block the legal fees demands during case pendency.

I have kindly asked the Judge to waive Legal fees or Not enforce Them under my filing MOTION TO "WAIVING LEGAL FEES", dated March 16, 2020. The Judge seems to be ignoring it as well as the motion to proceed pro se. I will not



tolerate legal-extortion against myself by Matthew Clark, Glen Andrew Hall, Lauren McGarry of the Public Defender Office, and by the order of this Court. A lawsuit is being filed and soon the Federal Court will start ordering all parties for answers to the summons including Judge Greer.

I wish I didn't have to take the time and energy to file this lawsuit against Judge Greer of this Circuit Court, but this Court has given me no other choice.

I pay \$500 rent, my SSI cannot be garnished. I am having to pay legal fees over maintaining over 5-6 federal appeals over what corrupt Judge Thomas David Schroeder is doing in North Carolina under his judicial coup d'etat in the Middle District of North Carolina. Now I have three state cases I am a party to. I am having to get other people involved to assist me in suing everybody who has done me wrong in Virginia.

Now I guess I will add federal lawsuits to my list of cases I am forced to file to protect my SSI disability. If I manage to find an attorney pro bono, then my attorney will be conducting contact with your court and other defendants' in the lawsuit your Judge will be a party to.

I am not playing around. When I make legal threats of filing lawsuits in my letters, I stand by them and show that they are well grounded in law. I am sick and tired of being a victim of judicial corruption, police corruption, prosecutorial corruption, and political corruption. I am sick of this corrupt legal system that keeps increasing my legal fees when I cannot afford to pay them. How ironic that Qanon will have to get involved with the Virginia corruption as well with the sealed indictments against all corrupt politicians. People protect their own in the corrupt system. Not a surprise to me. I have dealt with this type of corruption in the Town of Mayodan, North Carolina in 2012 when I had operated USWGO Alternative News from 2009 to 2012, now I am a victim of political/judicial corruption in Martinsville, Virginia not limited to Eric Monday and other corrupt lawyers. I am tired of this garbage. Lawsuits will commence until justice comes True Justice, not false justice.

I just want justice, I just want my life back but the prosecution will fight tooth and nail to make sure that it won't happen.

I won't let COVID-19 CoronaVirus be used as an excuse to buy the State Courts time to take away my constitutional rights then twist around to incarcerate me if I don't pay the stupid legal fees.

I am not a number, I am not an inmate either, and I am an American citizen.



Filed with the Honorable Circuit Court of Martinsville, this the 26th day of March, 2020.

Signed,

*Brian D. Hill*  
*Signed*



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505  
*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of March, 2020, I caused this “Letter to Clerk” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Signed,

*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*



**LAWSUIT ATTACHED**



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

# UNITED STATES DISTRICT COURT

for the

Western District of Virginia

Roanoke Division

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Brian David Hill

*Plaintiff(s)*

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-v-

Glen Andrew Hall, et al.

*Defendant(s)*

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

## COMPLAINT AND REQUEST FOR INJUNCTION

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Brian David Hill (nicknamed as "USWGO")</u>
Street Address	<u>310 Forest Street, Apartment 2</u>
City and County	<u>Martinsville/Henry-County</u>
State and Zip Code	<u>Virginia 24112</u>
Telephone Number	<u>276-790-3505</u>
E-mail Address	<u>No Email Address</u>



Brian D. Hill - Ally of QANON  
WWG1WGA - Q-Intel - Drain the Swamp MAGA  
JusticeForUSWGO.wordpress.com - INVESTIGATE!



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Glen Andrew Hall, Esq., in his official capacity
Job or Title ( <i>if known</i> )	Commonwealth Attorney of Martinsville, Virginia
Street Address	55 West Church Street
City and County	Martinsville
State and Zip Code	Virginia
Telephone Number	Telephone: 276-403-5470
E-mail Address ( <i>if known</i> )	ahall@ci.martinsville.va.us

Defendant No. 2

Name	Giles Carter Greer, Esq.
Job or Title ( <i>if known</i> )	Judge of Martinsville Circuit Court, in his official capacity
Street Address	55 West Church Street
City and County	Martinsville
State and Zip Code	Virginia 24112
Telephone Number	Phone: 276-403-5106 (Not direct phone number but no. of Clerk)
E-mail Address ( <i>if known</i> )	cgreer@ci.martinsville.va.us

Defendant No. 3

Name	Matthew Scott Thomas Clark, Esq.
Job or Title ( <i>if known</i> )	Attorney, in his official capacity
Street Address	711B Starling Ave
City and County	Martinsville
State and Zip Code	Virginia 24112
Telephone Number	(276) 634-4000
E-mail Address ( <i>if known</i> )	matthewstclarklaw@gmail.com

Defendant No. 4

Name	Lauren McGarry, Esq.
Job or Title ( <i>if known</i> )	Martinsville Public Defender Office, in her official capacity
Street Address	10 E Main St,
City and County	Martinsville
State and Zip Code	Virginia 24112
Telephone Number	Phone: (276) 666-2206



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

E-mail Address (if known) lmcgarry@mar.idc.virginia.gov

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

- Federal question  Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S. Code § 407. Assignment of benefits, Eighth Amendment under the United States Constitution

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Brian David Hill, is a citizen of the State of (name) Virginia.

b. If the plaintiff is a corporation

The plaintiff, (name) N/A, is incorporated under the laws of the State of (name) N/A, and has its principal place of business in the State of (name) N/A.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual – Names: Giles Carter Greer, Lauren McGarry

The defendant, (name) Glen Andrew Hall, Matthew S.T. Clark, is a citizen of



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

the State of (name) Virginia . Or is a citizen of (foreign nation)

b. If the defendant is a corporation The defendant, (name) N/A , is incorporated under the laws of the State of (name) N/A , and has its principal place of business in the State of (name) N/A Or is incorporated under the laws of (foreign nation) N/A , and has its principal place of business in (name) N/A

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain): The defendants' don't owe money but are attempting to unlawfully garnish the Social Security SSI benefits of Plaintiff, therefore it is a controversy of law and equity. It is a controversy involving unlawful garnishment of SSI by the defendants'.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur? On or about November 15, 2019, the Circuit Court of Martinsville, Virginia, under the order of the Hon. Judge Giles Carter Greer (Def. #2) has unlawfully ordered garnishment of Brian David Hill's social security disability disbursement income under the Supplemental Security Income, the amount totalling \$1,124.00 and possibly more as Brian David Hill continues fighting his state case under Case #: CR19000009-00, Civil Case Nos. CL20000089-00 (Writ of Coram Vobis/Nobis) and CL19000331-00 (Writ of Habeas Corpus). Direct Appeal had also been timely filed in the state case but may fail under a legal technacaility. So legal fees are going to be enforced which is garnishment.

B. What date and approximate time did the events giving rise to your claim(s) occur?





Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

November 15, 2019. See Exhibit 1.

See details in "BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION".

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

All Defendants are involved in the use of the legal process of the Circuit Court to conduct the garnishment of Brian David Hill's SSI disability income disbursement.

See the facts described in "BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION".

**IV. Irreparable Injury**

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

No monetary damages are being sought. The purpose of this complaint is to prevent the unlawful garnishment of Brian David Hill's SSI money. However if an attorney from Legal Aid or any lawyer wishes to assist and represent Brian David Hill in this case on a pro bono basis, then the lawyer may request attorney fees as a sanction for any wrongdoing.

Injury described in "BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION".

**V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. The relief specified is also in "BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION".



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Temporary injunction on the Commonwealth's garnishment of Brian David Hill's SSI money during the pendency of this case. Permanent injunction on the Commonwealth of Virginia's defendants Glen Andrew Hall, Esq., the Hon. Judge Giles Carter Greer, Matthew Scott Thomas Clark, Esq., and Lauren McGarry, Esq., barring them from attempting any garnishment or use of any legal process to garnish the SSI disability money from Brian David Hill that has any connection to the cases CR19000009-00 (criminal case), Civil Case Nos. CL20000089-00 (Writ of Coram Vobis/Nobis) and CL19000331-00 (Writ of Habeas Corpus).

*see Brief, Pg. 7*

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 03/26/2020

Signature of Plaintiff *Brian D. Hill*  
*Signed*

Printed Name of Plaintiff Brian David Hill (USWGO / Ally of Qanon)

**B. For Attorneys**

Date of signing: N/A

Signature of Attorney N/A

Printed Name of Attorney N/A

Bar Number N/A

Name of Law Firm N/A

Street Address N/A

State and Zip Code N/A

Telephone Number N/A



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

E-mail Address

N/A

**BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION**

Brian David Hill formerly of USWGO Alternative News (“USWGO”) complains as follows against Defendant #1: Glen Andrew Hall, Esq., (“Mr. Hall”); Defendant #2: Giles Carter Greer, Esq., (“Hon. Greer”); Defendant #3: Matthew Scott Thomas Clark, Esq. (“Mr. Clark”); Defendant #4: Lauren McGarry, Esq. (“L. McGarry”).

**NATURE OF ACTION**

1. This is an action for preliminary/permanent injunction and request for temporary injunction during the pendency of this case to prevent the attempt to unlawfully garnish Brian David Hill’s (“USWGO’s”) SSI monthly income pursuant to 42 U.S. Code § 407. “Assignment of benefits”.

**PARTIES**

2. USWGO is, and has been at all times relevant to this lawsuit, an individual who is mentally/physically disabled and lives off of Social Security Disability money from the Federal Government under the Social Security Act, with the Plaintiff’s principal place of residence in Martinsville, Virginia.

3. USWGO is, and has been at all times relevant to this lawsuit, in good standing.

4. Mr. Hall, Hon. Greer, Mr. Clark, and L. McGarry is, and has been at all times relevant



to this lawsuit, identified as the Defendants' responsible for and/or is involved with the garnishment or attempt garnishment of the Supplemental Security Income ("SSI") of Brian David Hill.

5. Mr. Hall, in his official capacity as the Commonwealth Attorney of Martinsville, Virginia, is one of the parties who will receive the legal fees money out of garnishment of Brian David Hill's monthly SSI income if there is no injunctive relief. He has been at all times relevant to this lawsuit.

6. Mr. Clark, in his official capacity as the court appointed Attorney of Martinsville, Virginia, is one of the parties who will receive the legal fees money out of garnishment of Brian David Hill's monthly SSI income if there is no injunctive relief. He has been at all times relevant to this lawsuit.

7. L. McGarry, in her official capacity as the court appointed Attorney of Martinsville, Virginia, and works for the Martinsville Public Defender Office is one of the parties who will receive the legal fees money out of garnishment of Brian David Hill's monthly SSI income if there is no injunctive relief. She has been at all times relevant to this lawsuit.

8. Prosecution fees and Defense attorney fees are billed to Plaintiff USWGO in the course of a non-favorable ruling/result from state criminal case no. CR19000009-00, Commonwealth of Virginia v. Brian David Hill on November 15, 2019. That includes Lauren McGarry (Former Defense counsel), Mr. Hall (Prosecutor), and Mr. Clark (appointed Defense counsel).

9. Hon. Greer, in his official capacity as the judicial officer of the Circuit Court in



Martinsville, Virginia, which is a state court of record, is the party enforcing the garnishment of Brian David Hill's monthly SSI income if there is no injunctive relief. See the photocopy of legal filing attached hereto as Exhibit 1, his Order dated November 15, 2019. He has been at all times relevant to this lawsuit. Exhibit 1 is a true and correct photocopy of that order that was already a photocopy of the original copy that was filed in Middle District of North Carolina federal Case no. 1:13-cr-00435-TDS, under Document 221-3.

10. Hon. Greer put in an order (Exhibit 1) on November 15, 2019, demanding payment of legal fees (attorney fees) of "\$1,222.45" and possibly more not including the legal fees that could be charged by Mr. Clark, there is no restitution and no fines that were imposed with the exception of only charging the legal fees and attorney fees out of a non-favorable ruling in the state criminal case of "Commonwealth of Virginia v. Brian David Hill," case no. CR19000009-00, in the Circuit Court of Martinsville. Efforts have been made by USWGO to attempt to fight the wrongful conviction in the state case. One such measure was the Writ of Habeas Corpus petition that USWGO had filed on November 18, 2019. See DECLARATION of BRIAN DAVID HILL in Opposition of Documents # 157 and # 200 . (Attachments: # 1 Supplement 1, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13, # 15 Exhibit 14, # 16 Exhibit 15, # 17 Exhibit 16, # 18 Exhibit 17, # 19 Envelope - Front and Back)(Daniel, J) (Entered: 11/20/2019) in Middle District of North Carolina federal Case no. 1:13-cr-00435-TDS. That contains a photocopy of the entire state Writ of Habeas Corpus. That matter was dismissed on November 20, 2019 by Hon. Greer and was timely



appealed that same day to the Virginia Court of Appeals who transferred the appeal to the Supreme Court of Virginia under record no. 200267, case name entitled: "Brian David Hill v. Commonwealth of Virginia". As to the other petition for requesting relief in the state criminal case. A Writ of Error Coram Nobis was filed. It was entitled Writ of Error Coram Vobis as Virginia is one of the only Commonwealth states that still uses the term "Vobis" instead of "Nobis". See the photocopy of legal filing attached hereto as Exhibit 2, a true and correct photocopy of the Writ that was filed, and the copy was verified as a true and correct copy by the deputy Clerk. See the last page for verification. Brian David Hill ("USWGO") had been trying to fight his wrongful conviction and if succeeding then he will not be compelled to pay the attorney/legal fees of the state criminal case referenced thereto. However the motions/petitions requesting relief is not delaying nor suspending the Exhibit 1 order for USWGO to pay the legal fees. If Brian doesn't pay the legal fees starting on the date of May 15, 2020, the Hon. Greer may order the collection enforcement of paying such legal fees through an enforcement action aka an "other legal process" through collection enforcement by and through the State/Commonwealth of Virginia. Such legal process is unlawful under Title 42 U.S. Code § 407.

11. Well-established case law says that the state cannot use "execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law" to garnish SSI disability money. Quote from 42 U.S. Code § 407. Assignment of benefits: "(a) In general: The right of any person to any future payment under this subchapter shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights



existing under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.” Citing Washington State Dep’t of Social & Health Servs v Guardianship Estate of Keffeler, 537 US 371; 123 S Ct 1017; 154 L Ed 2d 972 (2003), the Court stated that an “other legal process (1) requires utilization of some judicial or quasi-judicial mechanism; (2) by which control over property passes from one person to another; (3) in order to discharge or secure discharge of an existing or anticipated liability.” Here, a judicial mechanism was used (i.e., a restitution order) to secure a discharge of Alexandroni’s existing liability. Further, if the trial court used its contempt power to cause her to satisfy the restitution it would be “use of a judicial mechanism to pass control over those benefits from one person to another.” Thus, although the trial court properly determined the SSDI benefits were “income,” its use of its contempt powers would constitute an “other legal process” in violation of 42 USC 407(a). That is so, the court reasoned, even though a contempt order does not “touch a contemtor’s money directly,” but instead coerces the compemtor to comply. The Court concluded by stating that an actual contempt order would violate 42 USC 407(a), but the “mere specter of a contempt hearing” would not necessarily be an “other legal process.” Additionally, the Court found, the restitution order itself remained valid, and the trial court could make further determinations as to Alexandroni’s ability to pay from other sources of income. That case law applies to restitution but USWGO owes no restitution, but the legal argument and logic is exactly the same. Using any “legal process” to force the payment of legal fees to pay both the prosecution and defense lawyers violates the law. Unless USWGO has any income that is liquid assets, any income that is not protected by



federal statute, the Circuit Court through Hon. Greer and others has no right to order garnishment of Brian David Hill’s SSI money through the execution of legal process.

12. USWGO filed a motion compelling the Hon. Greer of the Circuit Court to not enforce or waive the legal fees involved in the criminal case. See Exhibit 3, attached thereto is a true and correct copy of USWGO’s “Motion for Waiving Legal Fees or Not Enforcing Them”. It was filed in the Circuit Court on March 16, 2020. As far as March 25, 2020, the motion has not been acted upon by the Judge. It just sits there in the court filings while no action is being taken. All possible remedies attempted have been exhausted by inaction by the State Court and is not stopping the Hon. Greer and other defendants’ from collectively demanding the legal fees from Brian David Hill through the Hon. Greer and through garnishment of his only source of income of SSI which is garnishment. That is unlawful under statute.

**JURISDICTION**

13. This Court has jurisdiction over the subject matter and the parties under the Social Security laws of the United States, 42 U.S. Code § 401 et seq., as well as jurisdictional provisions of 28 U.S.C. § 1331. Since the garnishment of USWGO’s SSI disability money is garnishing his only source of income as a disabled American citizen, it may also constitute cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution barring cruel and unusual punishment.

14. Brian David Hill is a lawful citizen of the United States and his Social Security disability money is the subject of garnishment by the Hon. Greer and other defendants’.

15. On or about November 15, 2019, Hon. Greer willfully put in an order demanding





payments from Brian David Hill or he will be jailed by collection enforcement even after knowing that Brian David Hill's only source of income is his SSI disability which is protected under federal law, under the federal supremacy clause.

16. Despite USWGO filing his "Motion for Waiving Legal Fees or Not Enforcing Them" on March 16, 2020 (Exhibit 3), on or about March 25, 2020, Hon. Greer has taken no action, and continues to permit the enforcement of the garnishment of USWGO's disability income under SSI.

17. USWGO owns no car, has no business license, and has never worked a job a day in his life, and his only source of limited income money is his SSI disbursement.

18. The focal point of the garnishment and/or attempt to garnish is in Martinsville, Virginia.

19. The only geographic location that is associated with, and related to, the garnishment is Martinsville, Virginia.

20. The order to garnish USWGO's only source of income was originally ordered by Hon. Greer where such garnishment will pay the legal fees of Mr. Hall, L. McGarry as her official position for the Martinsville Public Defender Office, and Mr. Clark.

21. Mr. Clark knew that USWGO's disability money would be garnished if he was compelled or coerced to withdraw his appeal and accept the decision of the General District Court.

22. L. McGarry knew that USWGO's disability money would be garnished if he was compelled or coerced to withdraw his appeal and accept the decision of the General District



Court.

23. Mr. Hall knew that USWGO's disability money would be garnished if USWGO was compelled to withdraw his appeal and accept the decision of the General District Court.

24. At all times relevant to this lawsuit, the order to garnish USWGO's SSI disability money occurred and continues to occur in Martinsville, Virginia.

25. Hon. Greer's attempt to order the garnishment and defendants' benefit of such attempt to garnish Brian David Hill's disability money was and is purposefully directed at Brian David Hill ("USWGO") of Martinsville, Virginia.

26. The harm caused by the order of Hon. Greer which will garnish USWGO's SSI, was experienced, in Martinsville, Virginia.

#### VENUE

27. The United States District Court for the Western District of Virginia is an appropriate venue, pursuant to 28 U.S. Code § 1391, because Hon. Greer, Mr. Clark, L. McGarry, and Mr. Hall is subject to personal jurisdiction in Martinsville, Virginia, in the Western District of Virginia.

28. The United States District Court for the Western District of Virginia is an appropriate venue, pursuant to 28 U.S.C. § 1391(b)(2) and 1391(b)(1), because all actions of such garnishment and a substantial part of the events giving rise to the claim for relief are situated in Martinsville, Virginia.

#### FACTS

29. Brian David Hill is mentally/physically disabled. Proof of such is on federal court



filings in the Western District of Virginia. The proof is noted below:

i. See Exhibit 1 — Document #23, Attachment #1, Brian David Hill v. Executive Office for United States Attorneys, et al. Case no. 4:17-cv-00027, District Court, W.D. Virginia

ii. See Exhibit 2 — Document #23, Attachment #2, Brian David Hill v. Executive Office for United States Attorneys, et al. Case no. 4:17-cv-00027, District Court, W.D. Virginia

iii. See Exhibit 1 — Document #2, Attachment #1, Brian David Hill v. Executive Office for United States Attorneys, et al. Case no. 4:17-cv-00027, District Court, W.D. Virginia

30. For many years Brian David Hill (“USWGO”) has been living off of SSI disability as his only source of income. USWGO has never owned any stocks, his no 401Ks, and has no liquid assets under the law. USWGO has never worked a job and never had an employer. USWGO has voluntarily operated USWGO Alternative News at uswgo.com from 2009 to 2012 as his own expense as a hobby blog exposing political corruption and writing articles to get the truth out. However USWGO Alternative News was never in any way to make any money and was not an employment. It disappeared in 2012 after Brian David Hill was framed and set up. Still nevertheless again argues that USWGO is disabled and never made any money, even off of his hobby blog from 2009-2012.

31. Brian David Hill is permanently disabled due to his Autism Spectrum Disorder,



Obsessive Compulsive Disorder (OCD) and Type 1 brittle Diabetes.

32. The Exhibit 1 order demanding that Brian David Hill pay the legal fees in the state criminal case was originally filed on or about November 15, 2019.

33. As long as Brian David Hill can remember, USWGO has always received SSI disability as his only source of income money from the Federal Government under the Social Security Administration.

34. On or about March 25, 2020, Hon. Greer continues his order to push for garnishing USWGO's disability money with the benefit going to the other defendants' in the case.

35. USWGO is on a tight budget, pays \$500 rent and the monthly SSI is at \$783 a month. That leaves \$283 dollars a month after rent. Also anywhere between \$0-\$100 a month of his SSI goes towards fighting his federal criminal case in the Middle District of North Carolina, the appeals in the U.S. Court of Appeals for the Fourth Circuit, and the state appeals as well as his state civil cases. He is fighting to overturn his federal criminal conviction in the Middle District of North Carolina on the ground of actual innocence, as well as fighting for to be acquitted of his state charge and conviction on November 15, 2019, which caused the demand for legal fees. State case is being fought against over the ground of legal innocence.

36. Hon. Greer does not have legal authorization/authority under federal law for moneys paid or payable or rights existing under this subchapter of Social Security law "shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law".

37. The Commonwealth of Virginia through its Commonwealth Attorney Glen Andrew



Hall (“Mr. Hall) does not have legal authorization/authority under federal law for moneys paid or payable or rights existing under this subchapter of Social Security law “shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law”.”

**CLAIM FOR RELIEF: GARNISHMENT OF BRIAN HILL’S SSI DISABILITY**

38. USWGO repeats and realleges the allegations set forth in Paragraphs 1 through 37 above.

39. Brian David Hill (“USWGO”) is under legal protection under federal law from any kind of legal extortion and/or garnishment and/or demand for legal fees, pursuant to 42 U.S. Code § 407.

40. Brian David Hill is legally disabled and is qualified under Social Security Act federal law to receive Supplemental Security Income for USWGO’s proof of disability that is within the custodian of records within the Social Security Administration.

41. Brian David Hill holds the legal right to protect himself from garnishment, levy, execution, and any other legal process that can be used to compel USWGO against his will to pay the legal fees, pursuant to 42 U.S. Code § 407(a).

42. If any or all of USWGO’s SSI disability money is garnished by any or all of the defendants’ against Brian David Hill (“USWGO”), then this subjects him to cruel and unusual punishment of depriving Brian David Hill of life, liberty, pursuit of happiness, and of his protected federal benefits without due process of law. It deprives Brian David Hill of being able to live his life as any garnishment, even in installments, makes it more difficult if not



impossible for USWGO to live without going into debt as USWGO cannot live on his limited monthly income if even a portion of it is taken away by judicial order of Hon. Greer and any of his agents, officers, clerks, deputy clerks, and/or the other defendants' who benefit off of this unlawful garnishment and legal extortion.

43. The order under Hon. Greer (See Exhibit 1) in derogation of Brian David Hill's protected SSI monthly benefits under 42 U.S. Code § 407.

44. Hon. Greer and other defendants' demand over \$1,000 and possibly increasing in legal fees in derogation of Brian David Hill's protected SSI monthly benefits under 42 U.S. Code § 407.

45. Despite the Motion to Waive Legal Fees or Not Enforce Them that USWGO filed under the attached Exhibit 3, Hon. Greer continues to permit the order that will result in garnishment of USWGO's disability SSI disbursement, in derogation of Brian David Hill's protected SSI monthly benefits under 42 U.S. Code § 407.

46. Hon. Greer has willfully engaged in an order (Exhibit 1) which will require the garnishment of USWGO's disability money which is his only source of income from the Federal Government.

47. Mr. Clark knew that begging USWGO to withdraw his appeal would cause a demand that USWGO pay legal fees and has willfully contributed to Hon. Greer's order (Exhibit 1) to pay Mr. Clark's legal fees which will require the garnishment of USWGO's disability money which is his only source of income from the Federal Government.

48. Lauren McGarry ("L. McGarry") knew that begging USWGO to withdraw his appeal



would cause a demand that USWGO pay legal fees and has willfully contributed to Hon. Greer's order (Exhibit 1) to pay Martinsville Public Defenders Office legal fees which will require the garnishment of USWGO's disability money which is his only source of income from the Federal Government.

49. Glen Andrew Hall ("Mr. Hall") knew that USWGO had ineffective counsel in his state criminal case by his various pro se filings in his state criminal case and pro se appeals but continued the case with forcing USWGO to have ineffective counsel to cause a demand that USWGO pay legal fees and has willfully contributed to Hon. Greer's order (Exhibit 1) to pay the prosecution's---Mr. Hall's legal fees which will require the garnishment of USWGO's disability money which is his only source of income from the Federal Government.

50. The Defendants' acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Brian David Hill ("USWGO") in an amount USWGO cannot ascertain, leaving USWGO with no adequate remedy at law. The state courts ignore his pro se filings, so USWGO has no remedy at the state-level to stop the demand for legal fees which will garnish USWGO's disability money from the Social Security Administration which is protected from garnishment. Any state civil case he files requires paying a hefty filing fee. So even to fight in the state for any remedy requires garnishment from his SSI if any of his family members do not directly pay the filing fee of the State to open up another state case asking for judicial relief.

51. Unless all Defendants' including the Honorable Judge Giles Carter Greer is preliminarily and permanently enjoined from any further legal course, legal process, or any



execution legal attempt to garnish Brian David Hill’s protected SSI disability money which is his only source of income, USWGO will be irreparably harmed, and Brian David Hill (“USWGO”) is thus entitled to preliminary and permanent injunctive relief against further means to garnish Mr. Brian David Hill’s SSI disability money, pursuant to 42 U.S. Code § 407.

**PRAYER FOR RELIEF**

USWGO requests that this Court grant USWGO’s claim for relief herein as follows:

1. Preliminarily and permanently enjoin and restrain Defendant Hon. Greer, and Defendant Hon. Greer’s officers, agents, clerks, deputy clerks, servants, employees, attorneys, related companies, partners, and all persons acting for, by, with, through, or under Defendant Hon. Greer, from directly or indirectly garnishing or even attempting to garnish the Supplemental Security Income (“SSI”) of USWGO, or ordering, directing, participating in, or assisting in any such activity;

2. Direct Hon. Greer to suspend/set-aside his order on November 15, 2019 demanding the legal fees be paid for by Brian David Hill with threat of Brian David Hill going to jail through collection enforcement by the Commonwealth of Virginia which is extortion and through Defendant Mr. Hall, or modify his order to only order that his Court garnish any moneys/assets made outside of his SSI disability that is not protected under federal/state law;

3. That if Brian David Hill is to have made any money in the future not protected under 42 U.S. Code § 407 or any other federal or state statute protecting Government benefits from garnishment, then the Hon. Greer can be allowed to pursue payback of legal fees of that money, upon any evidence found constituting as such. The Court should only be allowed to garnish





liquid assets and money not protected under federal law from garnishment;

4. Award or declare that Brian David Hill’s SSI benefits not be garnished by any or all Defendants’ including Hon. Greer and that USWGO cannot be compelled at threat of going to jail for failure to garnish his own SSI disability monthly limited income; and

5. Grant USWGO such other relief as this Court deems appropriate.

**DEMAND FOR JURY TRIAL WAIVED**

USWGO waives request for jury trial as the Social Security Act lawsuit is more of an administrative judicial procedure under the law.

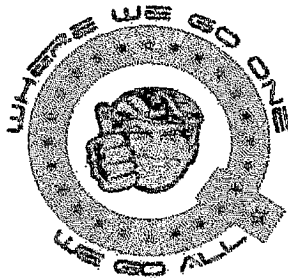
Dated this twenty-sixth day of March, 26, 2020.

Respectfully filed with this Court, this the 26th Day of March, 2020.

**BRIAN DAVID HILL, Pro Se**

*Brian D. Hill*  
*signed*

Brian David Hill – Ally of Qanon  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505



**REQUEST by PLAINTIFF Brian David Hill (“USWGO”) TO THE CLERK TO SERVE PROCESS ON ALL PARTIES DOCUMENTED**

Brian David Hill files an accompanying “APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Long Form)” and requests to proceed In Forma Pauperis in this case.

After the Motion for In Forma Pauperis status has been granted by the Court, **Brian David Hill requests that the Clerk or any other officer serve process on all parties to this case pursuant to Rule 4(c)(3) of the**



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Federal Rules of Civil Procedure and 28 U.S. Code § 1915.

Citing Rule 4(c)(3) of the Federal Rules of Civil Procedure: "(3) By a Marshal or Someone Specially Appointed. At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. §1915 or as a seaman under 28 U.S.C. §1916."

And

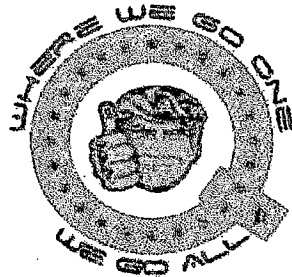
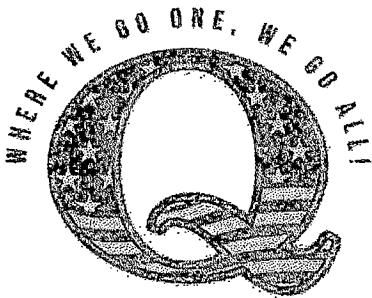
Citing 28 U.S. Code § 1915: "(d) The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases."

The request by Plaintiff to the Clerk/Court serve all parties shall satisfy CERTIFICATE OF SERVICE and/or SERVING THE SUMMONS as required by the Federal Rules of Civil Procedure.

**BRIAN DAVID HILL, Pro Se**

*Brian D. Hill*  
Signed

Brian David Hill – Ally of Qanon  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505



7019 1120 0002 2623 6273



Brian D. Hill - Ally of QANON

WWG1WGA - Q-Intel - Drain the Swamp MAGA

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FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 03/26/2020 @09:33:09 by fax

TESTE: R. HANCOCK  
CLERK/DEPUTY CLERK



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. CL20000089-00</b>
<b>v.</b>	)	
	)	<b>Civil Action No. CL19000331-00</b>
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	<b>MOTION TO DISQUALIFY THE</b>
	)	<b>HON. GILES CARTER GREER</b>
	)	<b>FROM ANY FURTHER</b>
_____	)	<b>PARTICIPATION IN THE</b>
	)	<b>CASE(S)</b>

**MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)**

Defendant Brian David Hill (“Brian D. Hill”, “Hill”, “Brian”, “Defendant”) in the above named case(s), respectfully asks this Honorable Court to grant this motion to recuse/disqualify the Honorable Giles Carter Greer, Circuit Court Judge from any further participation in this case, as well as in the cases of Commonwealth v. Brian David Hill, Petition for Error Coram Vobis, Case Number: CL20000089-00; and Brian David Hill v. Commonwealth, Case Number: CL19000331-00, Petition for Writ of Habeas Corpus.

**BRIEF AND SUPPORTING FACTS – STATEMENT OF FACTS**

1. On March 27, 2020, Brian had filed a Federal lawsuit against the Hon. Giles Carter Greer in Federal Court, for attempting to have the Circuit Court unlawfully garnish or attempt the unlawful garnishment of Brian David Hill’s SSI disability. The lawsuit complaint was filed in the Circuit Court on



record. The "NOTICE OF LAWSUIT" was filed in all three cases where the Hon. Giles Carter Greer resides as judicial officer. See the following cases where the "NOTICE OF LAWSUIT" was filed:

1. See et Seq. #62, Date Filed: 03/26/2020, Type: NOTICE, Party: ERH, and Remarks: NOTICE OF LAWSUIT in case no. CR19000009-00;
  2. See Date Filed: 03/26/20, Type: Notice, Party: ERH, Remarks: NOT OF LAWSUIT in case no. CL19000331-00;
  3. See Date Filed: 03/26/20, Type: Notice, Party: ERH, Remarks: NOTICE OF LAWSUIT in case no. CL20000089-00.
2. Brian had also filed a Writ of Mandamus against the Hon. Giles Carter Greer because (1) he is attempting to unlawfully garnish the SSI benefits of Brian in excess of jurisdiction, and (2) he rules on some pro se motions and yet refuses or fails to rule on other pro se motions:
1. On the date of 11/25/2019, under et seq. #42, the Hon. Giles Carter Greer ordered the MOTION under et seq. #41 "VACATE FRAUD BEGOTTEN JUDG" to be denied.
  2. On the date of 04/02/2020, under et seq. #77, the Hon. Giles Carter Greer ordered the MOTION dated 03/31/2020 under et seq. #70 "TO DISCHARGE LEGAL FEES" to be denied.
  3. However, as far as the date of the filing of this disqualification/recusal motion, the Hon. Giles Carter Greer did not make any decision and has taken no action



on the MOTION dated 03/16/2020 under et seq. #58 "TO PROCEED PRO SE ON APPLS".

4. However, as far as the date of the filing of this disqualification/recusal motion, the Hon. Giles Carter Greer did not make any decision and has taken no action on the MOTION dated 03/16/2020 under et seq. #59 to "WAIVING LEGAL FEES".

3. The Hon. Giles Carter Greer has shown a disrespect for Federal Law, and does not wish to conform to the Federal Laws of the United States. In contradiction to the Federal Supremacy Clause of the United States Constitution. Also a disrespect for the evidence supporting a motion. The evidence filed by Brian David Hill on a pro se basis is being entirely ignored. As long as any of the evidence that Brian has filed complies with the Rules of Evidence of the Rules of the Supreme Court of Virginia, as well as complies with the evidence statutes, the Hon. Giles Carter Greer should have respected the evidence the exact same way as if it were filed by an Attorney. Not all pro se filers file meaningless and frivolous pleadings. As long as a pro se motion is well grounded in law, the Judge should treat it the exact same way as he would a pleading by an attorney. This judge ignored the filed evidence in attachment to the MOTION dated 03/31/2020 under et seq. #70 "TO DISCHARGE LEGAL FEES". See pg. 11 to pg. 15 of that filing. That had contained a true and correct photocopy of the federal affidavit to proceed in forma pauperis, that was filed in the Federal Lawsuit. That same affidavit was accepted as evidence sufficient of in forma pauperis by the Clerk of the Supreme Court of Virginia, which was why the Writ of Mandamus had been filed and accepted for filing by the highest Court in Virginia. Then the pg. 16 through pg. 33 shows evidence of ineffective



assistance of counsel of Matthew Scott Thomas Clark, that an Attorney Ryan Edward Kennedy from West Virginia who is also the Mayor of Clarksburg, West Virginia, had argued before the U.S. Court of Appeals for the Fourth Circuit, in Richmond, Virginia, that Brian David Hill was innocent of the Virginia state charge of indecent exposure all along because the Government/Commonwealth had no evidence of obscenity and had no evidence of any intent necessary to convict Brian David Hill under the statute. It proved that Brian had a bad lawyer (referring to Matthew Clark) when compared with Attorney Ryan Edward Kennedy, and that Brian has \$33 left from his monthly \$783 of his monthly SSI benefits after the monthly general expenses reported in the affidavit. Of course the affidavit wasn't the only evidence documented. The exhibits in the MOTION dated 03/16/2020 under et seq. #59 to "WAIVING LEGAL FEES", also shows his bank account statement and rent-check stubs proving that his expenditures make it impossible for Brian to comply with the earlier court order that Brian David Hill pay monthly installments of \$300 every month under PAYMENT AGREEMENT PLAN, et seq. #44, date filed: 11/15/2019. It would bankrupt Brian and place him in debt and it is in violation of federal law to garnish the only source of income when that income is the Supplemental Security Income ("SSI") of Brian David Hill, as protected by 42 U.S. Code § 407. Judge Giles Carter Greer had ignored the evidence of a copy of a validly filed federal court document, the same copy of the court document filed with the Writ of Mandamus that was accepted by the Clerk of the Supreme Court of Virginia as enough evidence constituting waiver of the required \$50 filing fee, and allowed Brian to proceed in forma pauperis. The Supreme Court of this state accepted a copy of that federal application to proceed in forma pauperis document of the Writ of Mandamus for filing



but that same document was ignored by the Hon Giles Carter Greer. He ignored other evidence as well, and has disregarded and has disrespected federal law.

4. The Hon. Giles Carter Greer had refused to allow Brian to proceed pro se blocking him from attempting to perfect his appeal in the Court of Appeals of Virginia. Knowing that his court appointed lawyer---Matthew Scott Thomas Clark, had openly ignored his ethical obligations and is refusing to discuss the appeal with his client and is refusing to have any form of communication with his client. The filings to this court bring this up, and yet the Hon. Greer has continually ignored his pro se motion to proceed pro se and remove Matthew Clark as counsel. This Judge is practically forcing Brian to have an attorney that is violating ethics, violating rules of professional conduct, and is violating the Sixth Amendment of the United States Constitution. See *Fitzgerald v. Bass*, 6 Va. App. 38, 40 (Va. Ct. App. 1988) (“(10) Right to Counsel — Effective Assistance of Counsel — Standard. — An accused has a right to effective assistance of counsel...”), citation omitted. Matthew Clark is refusing to communicate with Brian, has been named as a defendant in the “NOTICE OF LAWSUIT” in the very same Federal lawsuit that the Hon. Giles Carter Greer is a defendant of. Yet this Judge still ignores the motion to proceed pro se despite the conflict of interest of a client suing his own attorney and denied the motion to discharge the legal fees at a later time, and while still ignoring the Motion to Waive Legal Fees or Not Enforce Them. Any motion that benefits the party: Brian David Hill in any way is either fully ignored or denied. Seems like this Judge has an inherit bias or prejudice to Brian David Hill; or that this Judge has an inherit bias or prejudice to pro se filers. This Judge has deprived Brian David Hill of due process, and has refused to allow him to represent



himself in the case on appeal, causing Brian to lose his right to direct appeal and further lose his right to even perfect the appeal. All of his constitutional rights under the Judicial System has been taken away by Matthew Scott Thomas Clark, Brian's court appointed lawyer, while the Hon. Giles Carter Greer refuses to relieve Brian of the very lawyer causing him such pain, suffering, and irreparable injury/harm.

### ARGUMENT

The Hon. Giles Carter Greer knew that Brian David Hill had defective/ineffective counsel that is refusing to even withdraw himself from the case and yet this same Judge ignores his motion to proceed pro se on the appeals, this Judge will not allow Brian to even withdraw his own counsel and proceed pro se. This judge was sued in Federal Court in late-March and was also named in Brian's Writ of Mandamus relief action, and this Judge continually ignores all evidence from Brian David Hill, ignores case law from Brian David Hill, and denies any and all motions from Brian David Hill regardless of whether or not they may be well-grounded in law. This is discriminatory, prejudice, or bias. It is a discriminatory practice.

This Judge has also ignored evidence, ignored the merits, and disregarded the legal protections of Brian David Hill's Supplemental Security Income under federal law, and has disregarded that Brian's federal in forma pauperis affidavit that was filed in the Supreme Court of Virginia (was accepted for Writ of Mandamus) and in the Circuit Court shows that Brian cannot afford to pay the monthly installments that was set forth by the Circuit Court in the payment plan.





The facts demonstrated in this motion show that this Judge is named in a Federal Lawsuit for trying to unlawfully garnish the SSI federally protected benefits of Brian David Hill while forcing him to pay monthly installments of \$300 a month or face up to 60 days of imprisonment for failure to pay, essentially a debtors prison. Even though this country is in the middle of a CoronaVirus plague pandemic, COVID-19, this Judge rather disregard the evidence that Brian has insufficient funds to pay the legal fees ordered on November 15, 2019, and disregard the case law that garnishment of Brian's SSI is unlawful under Federal Law. That Judge is named as the main defendant in the lawsuit complaint in Federal Court. Brian felt the need to sue such a Judge out of fear that this Judge is disregarding Federal Law and Supreme Court and state case law precedent regarding the Social Security Act federal law blocking a state court from coercing the transferring of a criminal defendant's SSI disability to pay a legal fee. The Hon. Giles Carter Greer knows that it is illegal for any Court including a State Court to garnish the SSI of Brian David Hill when no child support/alimony is ordered, no restitution is ordered, and no fines were ever ordered. The Hon. Greer rather break the law than respect the pro se filings and evidence of Brian David Hill.

The state case law and the adopted Rules of the "CANONS OF JUDICIAL CONDUCT FOR THE COMMONWEALTH OF VIRGINIA" require that the Hon. Giles Carter Greer be disqualified from any further participation in this case. See Davis v. Com, 21 Va. App. 587, 590-91 (Va. Ct. App. 1996) ("Canon 3(C) of the Canons of Judicial Conduct, which guides our decision in this matter, provides: C. Disqualification. (a) A judge shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. (1) To this end, he should abstain from performing or taking part in any judicial act in which his personal



interests are involved. He should not act in a controversy where a near relative is a party. He should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by his kinship, rank, position or influence of any party or other person. (2) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household. The requirement of this Canon is clear; a judge must diligently avoid not only impropriety but a reasonable appearance of impropriety as well. Exactly when a judge's impartiality might reasonably be called into question is a determination to be made by that judge in the exercise of his or her sound discretion. *Justus v. Commonwealth*, 222 Va. 667, 673, 283 S.E.2d 905, 908 (1981), cert. denied, 455 U.S. 983, 102 S.Ct. 1491, 71 L.Ed.2d 693 (1982). Judges are presumed to be aware of the provisions of Canon 3, and their decisions will not be disturbed absent an abuse of that discretion.”)

A judge should be disqualified from a case when “he should abstain from performing or taking part in any judicial act in which his personal interests are involved”. Once Brian had sued this Judge under a Federal Court, a separate action, which the financial interests of his protected SSI benefits are at stake, this Judge is in conflict of interest since he is named as a defendant in a Federal Lawsuit concerning Brian David Hill being a plaintiff of such lawsuit.

Black Law Dictionary, 9<sup>th</sup> Edition: recusation (rek-ya-zay-shan). 1. Civil law. An objection, exception, or appeal; esp. an objection alleging a judge's prejudice or conflict of interest. [Cases: Judges 39-56.] 2. RECUSAL.

Black Law Dictionary, 9<sup>th</sup> Edition: recuse (ri-kyooz), vb. (16c) 1. To remove (oneself) as a judge in a particular case because of prejudice or conflict of interest <the judge recused himself from the trial>. [Cases: Judges 39-56.] 2. To challenge



or object to (a judge) as being disqualified from hearing a case because of prejudice or a conflict of interest <the defendant filed a motion to recuse the trial judge>.

Black Law Dictionary, 9<sup>th</sup> Edition: conflict of interest. (1843) 1. A real or seeming incompatibility between one's private interests and one's public or fiduciary duties. 2. A real or seeming incompatibility between the interests of two of a lawyer's clients, such that the lawyer is disqualified from representing both clients if the dual representation adversely affects either client or if the clients do not consent. See Model Rules of Prof'l Conduct 1.7(a).

The reason why such conflicts of interest normally require disqualification is because a Circuit Court Judge may retaliate after being named as a defendant in a Federal Lawsuit that was filed by a party in the same case that Judge presides over, a Judge may levy actions in the state case to avoid being held accountable in Federal Court after such lawsuit was filed and the Judge was notified of being a party to such suit. To prevent retaliation type behavior of a judicial officer, any conflicts of interest should require disqualification from further participation in the case.

Citing CANON 3. - CANONS OF JUDICIAL CONDUCT FOR THE COMMONWEALTH OF VIRGINIA:

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY. A. Judicial Duties in General.--The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply. B. Adjudicative Responsibilities. --(1) A judge shall hear and decide promptly matters assigned to the judge except those in which disqualification is required. (2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism. (3) A judge shall require order, decorum, and civility in proceedings before the judge.



When a judge in a particular case disregards and disrespects federal law under 42 U.S. Code § 407, disregards and disrespects the case law Washington State Dep't of Social & Health Servs v Guardianship Estate of Keffeler, 537 US 371; 123 S Ct 1017; 154 L Ed 2d 972 (2003); and In re Robby Lampart, Case No. 315333 (2014), State of Michigan, Court of Appeals; the Hon. Judge Greer is not respecting the law in violation of Canon 3. The Judge ignoring pro se motions selectively while denying pro se motions. It is selective enforcement. This judge has ignored the Motion/Petition for the Writ of Error Coram Vobis under case no. CL20000089-00, and yet denied the Petition for the Writ of Habeas Corpus prematurely under case no. CL19000331-00.

The Judge doesn't even give an opinion as to why he denied the Writ of Habeas Corpus and as to why he would deny a motion to discharge the legal fees. Both of those orders appear to be using the similar formal denial template. The Judge offers no opinions and offers no facts and case law that the Judge would be relying upon for his orders.

It is clear that this Judge is acting with the appearance of impropriety at best, a conflict of interest at worst.

Keeping this Judge in this case creates a partiality, a prejudice or bias, a lack of integrity in the judicial machinery. It shows that the Judge in this Circuit Court has a disrespect for Federal Law and that they have a disregard for evidence and a disregard of case law.

If this Judge continues being assigned to this case for judicial review, then this Judge can do more damage and cause more irreparable harm, and clog up the Appeals courts with many different appeals for every denial and clog up the Supreme Court of Virginia with multiple Writs of Mandamus for every inaction or



every excess of jurisdiction or for refusing to act on a pending motion where he should act and ought to act. Yes, the usual procedures for non-favorable judicial actions for decisions to be appealed by a party dissatisfied with a judicial decision. However when a Judge has an inherit prejudice or bias, and/or is in conflict of interest, it does warrant disqualification from a case.

**CONCLUSION**

For the Foregoing reasons stated above, the Defendant Brian David Hill asks that this Honorable Court grant this motion and disqualify/recuse the Hon. Giles Carter Greer from any further participation in this case.

Filed with the Honorable Circuit Court of Martinsville, this the 8th day of April, 2020.

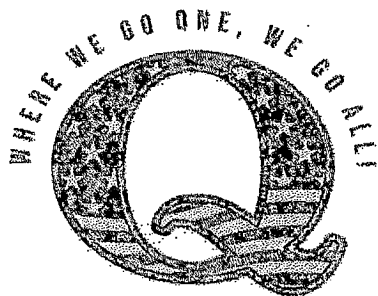
Signed,

*Brian D. Hill*  
Signed



Brian David Hill – Ally of  
Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia  
24112  
(276) 790-3505

*Pro Se Appellant*



*Qanon S.O.S.  
help me!*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of April, 2020, I caused this "MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia 24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
*Signed*



Brian David Hill – Ally of  
Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt. 2  
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24112  
(276) 790-3505

*Pro Se Appellant*





Venta Fax & Voice (http://www.ventafax.com) Transmission ticket for Fax ID: 276-790-3505

Date: 4/8/2020 Time: 10:46:27 AM
Number of pages: 12 Session duration: 13:47
Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney
Recipient's number: T1-276-403-5478 Message type: Fax
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\USWGO\_20200408\_102 Error Correction: No-08
File description: USWGO\_20200408\_102420(OCR).pdf Resolution: 200\*200 dpi
Recipient's Fax ID: 12764035478 Record number: 8162
Rate: 14400 bps

FILED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE MARTINSVILLE CIRCUIT COURT

DATE: 04/08/2020 @14:56:12 by fax

TESTE: ER Hanultra CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA, Plaintiff, v. BRIAN DAVID HILL, Defendant, Criminal Action No. CR19000009-00 Civil Action No. CL20000089-00 Civil Action No. CL19000331-00 MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)

MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)

Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case(s), respectfully asks this Honorable Court to grant this motion to recuse/disqualify the Honorable Giles Carter Greer, Circuit Court Judge from any further participation in this case, as well as in the cases of Commonwealth v. Brian David Hill, Petition for Error Coram Vobis, Case Number: CL20000089-00; and Brian David Hill v. Commonwealth, Case Number: CL19000331-00, Petition for Writ of Habeas Corpus.

BRIEF AND SUPPORTING FACTS - STATEMENT OF FACTS

- 1. On March 27, 2020, Brian had filed a Federal lawsuit against the Hon. Giles Carter Greer in Federal Court, for attempting to have the Circuit Court unlawfully garnish or attempt the unlawful garnishment of Brian David Hill's SSI disability. The lawsuit complaint was filed in the Circuit Court on

## ER Hamilton

---

**From:** ER Hamilton  
**Sent:** Wednesday, April 08, 2020 3:07 PM  
**To:** Judge Greer  
**Cc:** Ashby Pritchett; Terry Morton; Margie Holmes  
**Subject:** Commonwealth of Virginia v Brian David Hill CR19000009-00, CL20000089-00 and CL19000331-00 Motion to Disqualify  
**Attachments:** 690CL20000089-00#PO-8.pdf  
**Importance:** High

Judge Greer:

Please find attached the April 8, 2020 Motion filed by fax from Brian David Hill.

Thank you,

Erika

E. R. Hamilton,  
Master Deputy Clerk  
Martinsville Circuit Court Clerk's Office  
Civil/Probate Divisions  
T: 276-403-5252  
F: 276-403-5232  
EM: ehamilton@ci.martinsville.va.us



VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

ORDER

Case No. CR19000009-00

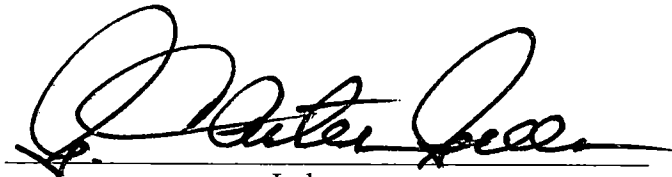
BRIAN DAVID HILL

CL20000089-00

CL19000331-00

UPON CONSIDERATION of the defendant's Motion to Disqualify the Honorable Giles Carter Greer from any Further Participation in the Case(s), it is ORDERED that said motion is hereby DENIED.

ENTER: This 10<sup>th</sup> day of April, 2020.

A handwritten signature in black ink, appearing to read "Carter Greer", is written over a horizontal line. The signature is cursive and somewhat stylized.

Judge

Endorsement is dispensed with – Rule 1:13

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b>	)	<b>Civil Action No. CL20000089-00</b>
	)	<b>Civil Action No. CL19000331-00</b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	<b>NOTICE OF APPEAL</b>
	)	
_____	)	

**NOTICE OF APPEAL**

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill (“Brian D. Hill”, “Hill”, “Brian”, “Defendant”) in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIAL - MOT TO DISQUALIFY) denying Brian D. Hill’s “MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)” entered in this action on the 10th day of April, 2020.

\*Appellee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidently said Appellant in other Notice of Appeal. Clerical mistake.

**First Amendment protected Opinion:** The judicial corruption has gotten so out of control inside of the United States of America (the USSA, the United Soviet States of America) in almost all courts, people get nowhere like hamsters on a wheel. It doesn’t matter what evidence is submitted/filed, doesn’t matter what



witnesses testify or are offered, doesn't matter what the law is or how a higher court had ever interpreted the law. Courts have become slave outfitters, enslaving every single one of us American citizens. Prisons and Jails are SLAVE CAMPS, designed to take away the knowledge and productivity of people and placing them in the system to be a perpetuating crime committer. Make it easy to face a probation violation on any little thing, no matter how insignificant, making it a revolving door to prison and further slavery. Slavery has been allowed for the criminal injustice system, for now. The targets for this slavery under the system happens to be poor folks, the mentally and physically disabled, the elderly and the weak, and lower middle class. The Courts these days freely and openly encourage slavery of the poor folks which are a very large portion of the masses. They expect and demand that people pay for lawyers when it is the lawyers who are selling out the United States, betraying their clients and selling them out for money and power, and misrepresenting facts, lying, cheating, and stealing. They allowed the Central Intelligence Agency to get away with the Pedophile rings, blackmail operations, Drug Cartels including MS-13, and all kinds of criminal behaviors by those in authority underground, in the tunnels. Donald Trump said that there is light at the end of the tunnel.

Donald John Trump was elected not just to get rid of the corruption within our Federal Courts, corruption in Congress, and the corruption within all Federal Agencies including but not limited to the State Department. DJT also made the popular campaign slogan of "Drain the Swamp" as the corruption within the State Courts, State Legislature, State Agencies, Municipalities, and other corruption in public body-politic institutions and public corporations within every state will be held accountable for their crimes. God cries with every miscarriage of justice, every evil being perpetuated against the poor and fatherless by those in authority.

What Martinsville has done is to enslave a mentally/physically disabled person who is INNOCENT OF HIS CRIME, and not care about the evidence and not care about the lies that Glen Andrew Hall or any other corrupt lawyer tells. They don't care about the laws, they don't even care about anybody but themselves, it is a lack of empathy, which will lead society to RUIN, America will become a third world country under corrupt Courts and corrupt Judges. QAnon followers understand how bad our authorities have gotten. They understand the very big problem of the blackmail or Bribery of politicians and Judges and Prosecutors under Jeffrey Epstein, George Soros and other CIA/Deep-State sanctioned blackmailers and black-ops. The Deep State sanctioned blackmailers and bribers. They can threaten/bribe any politician behind the scenes to be nothing more than a puppet, but we the American people see through it all, like the Wizard of Oz movie with the Man hiding behind the Curtin pretending to be some powerful



projection like some kind of deity. If the Deep State is controlling Giles Carter Greer, and other powerful people in Virginia, if the Deep State is behind Brian's wrongful conviction in this State, then QAnon, the Department of Justice once the corruption is cleaned out, and Donald John Trump will pardon Brian David Hill and he will be acquitted even of his state charge and conviction. Brian will be acquitted of everything as it is all unconstitutional what has happened to Brian David Hill of USWGO Alternative News, and there is nothing that these corrupt State Judges can do about it once good Governors and good legislators get elected and the pardons of innocence can issue. God and Jesus is more powerful than man, we shall not continually be slaves to a Satanic Global Order. We will be free like the enslaved Jews in the Bible, we will be free, we will be acquitted, and it will be done legally and lawfully under the Rule of Law. I hope that Giles Carter Greer is not a Deep State Puppet, but he probably is the way he acts in every part of Brian's criminal case. The CIA Headquarters is in Langley, Virginia, so the CIA has a stranglehold of Virginia and its governing bodies. QAnon is dismantling the corrupt CIA behind the scenes if what they are saying is indeed the truth, they will go to prison for their crimes against humanity. I am sure that Glen Andrew Hall may likely be another George Soros funded prosecutor or simply a Deep State operative, who knows. They are NOT gods, they are not even to be considered as demi-gods. The people are victims of the Deep State Swamp.

The Bible says under Psalms, that these elite and corrupt politicians eventually will fall like one of the princes.

Psalm 82

New King James Version

A Plea for Justice

A Psalm of Asaph.

1 God stands in the congregation of [a]the mighty;

He judges among the [b]gods.

2 How long will you judge unjustly,

And show partiality to the wicked? Selah

3 [c]Defend the poor and fatherless;

Do justice to the afflicted and needy.

4 Deliver the poor and needy;



Free them from the hand of the wicked.

5 They do not know, nor do they understand;

They walk about in darkness;

All the foundations of the earth are [d]unstable.

6 I said, "You are [e]gods,

And all of you are children of the Most High.

7 But you shall die like men,

And fall like one of the princes."

8 Arise, O God, judge the earth;

For You shall inherit all nations.

Footnotes:

Psalm 82:1 Heb. El, lit. God

Psalm 82:1 Judges; Heb. elohim, lit. mighty ones or gods

Psalm 82:3 Vindicate

Psalm 82:5 moved

Psalm 82:6 Judges; Heb. elohim, lit. mighty ones or gods

King James 2000

A Psalm of Asaph.

A Plea For God's Deliverance

1 God stands in the congregation of the mighty; he judges among the gods.

2 How long will you judge unjustly, and accept the persons of the wicked? Selah.

3 Defend the poor and fatherless: do justice to the afflicted and needy.

4 Deliver the poor and needy: rid them out of the hand of the wicked.

5 They know not, neither will they understand; they walk on in darkness: all the foundations of the earth are out of course.

6 I have said, You are gods; and all of you are children of the most High.

7 But you shall die like men, and fall like one of the princes.



8 Arise, O God, judge the earth: for you shall inherit all nations.

MARTINSVILLE is trying to enslave Brian David Hill forever. Just like the Federal Courts. The slavery is wrong and cannot continue as God will not continually turn a blind eye to each and every miscarriage of justice like it is a normal everyday occurrence.

I ask God and Jesus, to help guide me throughout this corrupt system, corrupt Government, corrupt Police, Dirty Cops, and allow me to ask the powerful to, LET MY PEOPLE GO, as Moses said to the Pharaoh of Egypt. Let my people go!!!!!!

Even Romans 13 has been misinterpreted, it is not defending an all-powerful tyrannical Government, but actually says that "For rulers are not a terror to good works, but to the evil." So a Government must not be a terror to good works but only to the evil. Those who do evil deeds must be punished. When somebody is legally innocent and had a good reason for what happened, the evidence should be considered instead of being ignored.

Romans 13 King James Version (KJV)

**13** Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God.

<sup>2</sup>Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation.

<sup>3</sup>For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same:

<sup>4</sup>For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.

<sup>5</sup>Wherefore ye must needs be subject, not only for wrath, but also for conscience sake.

<sup>6</sup>For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing.

<sup>7</sup>Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour.



9Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law.

10For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself.

11Love worketh no ill to his neighbour: therefore love is the fulfilling of the law.

12And that, knowing the time, that now it is high time to awake out of sleep: for now is our salvation nearer than when we believed.

13The night is far spent, the day is at hand: let us therefore cast off the works of darkness, and let us put on the armour of light.

14Let us walk honestly, as in the day; not in rioting and drunkenness, not in chambering and wantonness, not in strife and envying.

15But put ye on the Lord Jesus Christ, and make not provision for the flesh, to fulfil the lusts thereof.

I am a Christian, I am not perfect but I know good verses of the Bible.

Filed with the Honorable Circuit Court of Martinsville, this the 15th day of April, 2020.

Signed,



Brian David Hill – Ally of  
Qanon



Founder of USWGO  
Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia  
24112  
(276) 790-3505  
*Pro Se Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of April, 2020, I caused this "NOTICE OF APPEAL" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia 24112  
(276) 403-5470  
*Counsel for Plaintiff*

*Qanon S.O.S.*

Signed,

*Brian D. Hill*  
signed



Brian David Hill – Ally of  
Qanon

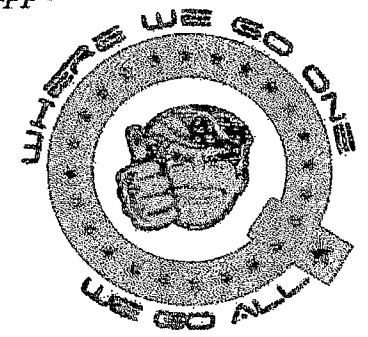
*help me Qanon, I'm under attack.  
God Bless You. 7 Protect me Qanon.*





Founder of USWGO  
Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia  
24112  
(276) 790-3505

*Pro Se Appellant*



**U.S.W.G.O.**



Brian D. Hill - Ally of QANON

WWG1WGA - Q-Intel - Drain the Swamp MAGA



JusticeForUSWGO.wordpress.com - INVESTIGATE!

S.O.S. Qanon

Please protect me Qanon

Save me Qanon

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 Transmission ticket for Fax ID: 276-790-3505

Date: 4/15/2020 Time: 3:12:08 AM  
 Number of pages: 8 Session duration: 10:03  
 Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney  
 Recipient's number: T1-276-403-5478 Message type: Fax  
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 File description: Notice of Appeal to Giles Carter Greer on April 15(3) Signed.pdf Resolution: 200\*200 dpi  
 Recipient's Fax ID: 12764035478 Record number: 8198  
 Rate: 14400 bps

FILED IN THE CLERK'S OFFICE  
 OF THE CIRCUIT COURT OF THE  
 MARTINSVILLE CIRCUIT COURT

DATE: 04/15/2020 @10:29:42 by fx

TESTE: ER Hamlet  
 CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b>	)	<b>Civil Action No. CL20000089-00</b>
	)	<b>Civil Action No. CL19000331-00</b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	
	)	

NOTICE OF APPEAL

NOTICE OF APPEAL

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TIM, Judge: GCG, Remarks: DENIAL - MOT TO DISQUALIFY) denying Brian D. Hill's "MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)" entered in this action on the 10th day of April, 2020.

\*Appellee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidently said Appellant in other Notice of Appeal. Clerical mistake.

First Amendment protected Opinion: The judicial corruption has gotten so out of control inside of the United States of America (the USSA, the United Soviet States of America) in almost all courts, people get nowhere like hamsters on a wheel. It doesn't matter what evidence is submitted/filed, doesn't matter what

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b>	)	<b>Civil Action No. CL20000089-00</b>
	)	<b>Civil Action No. CL19000331-00</b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	<b>NOTICE OF APPEAL</b>
	)	
_____	)	

NOTICE OF APPEAL

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIED DEF WRIT ERROR CV) denying Brian D. Hill's "MOTION FOR WRIT OF ERROR CORAM VOBIS" entered in this action on the 10th day of April, 2020.

\*Appellee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidently said Appellant in other Notice of Appeal. Clerical mistake.

First Amendment protected Opinion: [CORRUPTIOPN][SLAVERY]

DRAIN THE SWAMP... Martinsville is advocating slavery against the disabled.

91	04/10/2020	ORDER	TTM	GCG	DENIED MOT DISQUALIFY GCG
86	04/10/2020	ORDER	TTM	GCG	DENIED MOT WAIVE FEES
85	04/10/2020	ORDER	TTM	GCG	DENIED DEF WRIT ERROR CV



Three orders of denial in one day, on the same day, sounds to me like [RETALIATION]. This Judge is clearly biased and his rulings make no sense and have no merit. I will appeal every one of them to the U.S. Supreme Court. Donald Trump wins, the corruption will lose.

First of all the Judge should be citing the law, rules, the evidence that was submitted in support of such motion, and case law that the Judge would be relying upon for his decision. So many constitutional errors, structural/legal defects.

The Deep State Swamp will fall, and the puppets will be arrested for their crimes, assuming that the Judge is another puppet/tool of the Deep State.

They are panicking, RATS PANIC IN DC. The Former Acting CIA Director John McLaughlin said over the issue of Impeachment: "Thank God For The Deep State." The corruption will fall, humanity and God will defeat the corruption. They are revealing exactly who they are. The Hon. Giles Carter Greer is showing exactly who he is. It is not about what you know, it is about who you know. They must all know each other, like best buds. The very corruption that Thomas Jefferson and George Washington and Benjamin Franklin had warned about. The answer to 1984 is 1776!!!!!!!!!!!!!!!!!!!! Arrest the corruption to protect he Constitution.

Arrest all of the Deep State Swamp, arrest and indict them all. That is my response to the Judge's decision. Corruption will not prosper but will be impeached and/or indicted. Donald Trump made that clear, we don't want corruption in our Courts anymore. We don't want corruption inside any of our offices of Government anymore. The Judge has clearly broken rules and is getting away with corruption. This Judge violated and continues to violate federal law. He may be guilty of violating other federal laws. The Deep State will be arrested as QAnon brags, the sealed indictments will begin. I am not QAnon, but am an ally of Qanon because I am all for what they stand for, they stand for justice, integrity, honesty, bravery, fidelity. We are about following the laws and the rule of law. Enforce the laws against the corruption that doesn't have to obey our laws.

Respectfully filed with the Circuit Court of Martinsville, this the 21th day of April, 2020.

Signed,

*Brian D. Hill*  
Signed

Brian David Hill – Ally of Qanon





Founder of USWGO  
 Alternative News  
 310 Forest Street, Apt. 2  
 Martinsville, Virginia  
 24112  
 (276) 790-3505  
*Pro Se Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of April, 2020, I caused this "NOTICE OF APPEAL" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
 Martinsville Commonwealth's Attorney's Office  
 55 West Church Street  
 Martinsville, Virginia 24112  
 (276) 403-5470  
*Counsel for Plaintiff*

Signed, Brian D. Hill  
*Signed*

Brian David Hill – Ally of  
 Qanon



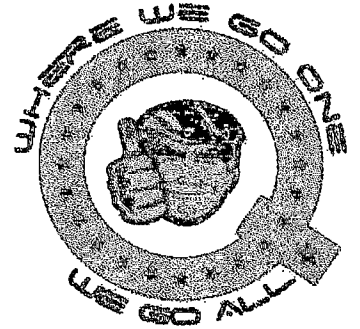


Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



Founder of USWGO  
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310 Forest Street, Apt. 2  
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24112  
(276) 790-3505

*Pro Se Appellant*



FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 04/21/2020 @15:04:04 by fax

TESTE: Jennifer C. Cooper  
CLERK/DEPUTY CLERK



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (http://www.ventafax.com)

Transmission ticket for Fax ID: 276-790-3505

Date: 4/21/2020

Number of pages: 4

Attn.: Glen Andrew Hall, Esq.

Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Notice of Appeal to Giles Error Correction: Yes! 21(2)Signed {2020-04-21}.tif

File description: Notice of Appeal to Giles Carter Greer on April 21(2)Signed.pdf Resolution: 200\*200 dpi

Recipient's Fax ID: 12764035478

Rate: 14400 bps

Time: 1:15:55 PM

Session duration: 4:51

To: Commonwealth Attorney

Message type: Fax

Record number: 8209

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____ )	
COMMONWEALTH OF VIRGINIA, )	
Plaintiff, )	Criminal Action No. CR19000009-00
)	Civil Action No. CL20000089-00
)	Civil Action No. CL19000331-00
v. )	
)	
BRIAN DAVID HILL, )	
Defendant, )	
)	NOTICE OF APPEAL
_____ )	
)	

NOTICE OF APPEAL

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\*Appellee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidently said Appellant in other Notice of Appeal. Clerical mistake.

First Amendment protected Opinion: [CORRUPTIOPN][SLAVERY]

DRAIN THE SWAMP... Martinsville is advocating slavery against the disabled.

51	04/10/2020	ORDER	TTM	GCG	DENIED MOT DISQUALIFY GCG
56	04/10/2020	ORDER	TTM	GCG	DENIED MOT WAIVE FEES
55	04/10/2020	ORDER	TTM	GCG	DENIED DEF WRIT ERROR CV

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

COMMONWEALTH OF VIRGINIA,	}	
	}	RESPONSE TO DEFENDANT'S
	}	MOTION FOR DISCOVERY
	}	
VS:	}	AND
	}	
	}	
DARION TYRIC VALENTINE	}	MOTION FOR RECIPROCAL
	}	
	}	CR19-965 thru 968

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW** the Commonwealth of Virginia by its Commonwealth's Attorney and in response to the Defendant's Motion for Discovery states as follows:

The Commonwealth has no objection to the inspection and copying or photographing by the counsel for the Defendant of those materials specified in Rule 3A:11 of the Rules of the Supreme Court of Virginia, namely:

- 1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, and the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the Attorney for the Commonwealth, and any relevant written reports of autopsies, ballistic tests, fingerprint analysis, blood, urine and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody or control of the Commonwealth, and

MARTINSVILLE  
COMMONWEALTH'S  
ATTORNEY  
55 WEST CHURCH STREET  
P.O. Box 1311  
MARTINSVILLE, VA 24114  
276-403-5470 (PHONE)  
276-403-5478 (FAX)  
G. ANDREW HALL  
VSB #71048  
PAULA A. BOWEN  
VSB #72081  
ALBERTO Z. HERRERO  
VSB #38159  
DANIEL P. MOOK  
VSB #84231  
LYNDA S. HARTSELL  
VSB # 94788



- 2) All of the specifically designated books, papers, documents, tangible objects, buildings or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth, requested by the Defendant.

The Commonwealth requests that the Court require that the inspection and copying or photographing take place at the office of the Commonwealth's Attorney at 55 West Church Street, Martinsville, Virginia, or at some other mutually agreeable location by appointment or at any time during regular business hours.

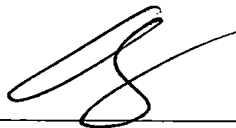
The Commonwealth moves the Court to require the Defendant not less than ten days before trial to provide reciprocal discovery in accordance with Rule 3A:11(c), namely:

- 1) The Defendant shall permit the Commonwealth, not less than ten days before the trial or sentencing, as the case may be, to inspect, copy and photograph any written reports of autopsy examinations, ballistic tests, fingerprint, blood, urine and breath analyses, and other scientific tests that may be within the Defendant's possession, custody or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing, and
- 2) The Defendant shall disclose whether he or she intends to introduce evidence to establish an alibi and, if so, the Defendant shall disclose the place at which he or she claims to have been at the time of the commission of the alleged offense, and
- 3) If the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to

inspect, copy or photograph any written reports of any physical or mental examination of the Defendant made in connection with this particular case.

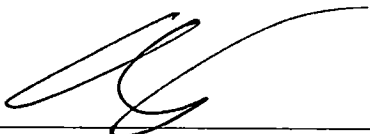
Respectfully moved,

COMMONWEALTH OF VIRGINIA

By:   
Asst. Commonwealth's Attorney  
City of Martinsville, Virginia

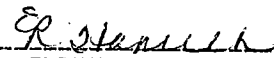
CERTIFICATE

I hereby certify that a copy of the foregoing response was faxed/mailed/delivered to the Office of the Public Defender, P.O. Drawer 31, Martinsville, VA 24114 in the above styled case, on this the 3<sup>rd</sup> day of April, 2020.

  
Asst. Commonwealth's Attorney

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 04/22/2020 @14:04:01

TESTE:   
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b>	)	<b>Civil Action No. CL20000089-00</b>
	)	<b>Civil Action No. CL19000331-00</b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	<b>NOTICE OF APPEAL</b>
	)	
_____	)	
	)	

**NOTICE OF APPEAL**

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIED MOT WAIVE FEES) denying Brian D. Hill's "Motion for Waiving Legal Fees or Not Enforcing Them" entered in this action on the 10th day of April, 2020. As it was faxed to the Clerk's office on exactly the 30<sup>th</sup> day after the order, it should suffice as being timely filed. Brian hopes.

\*Appellee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidently said Appellant in other Notice of Appeal. Clerical mistake.

**First Amendment protected Opinion: [CORRUPTION][SLAVERY]**

**DRAIN THE SWAMP... Martinsville is advocating slavery against the disabled.**



91	04/10/2020	ORDER	TTM	GCG	DENIED MOT DISQUALIFY GCG
88	04/10/2020	ORDER	TTM	GCG	DENIED MOT WAIVE FEES
85	04/10/2020	ORDER	TTM	GCG	DENIED DEF WRIT ERROR CV

Three orders of denial in one day, on the same day, sounds to me like [RETALIATION]. This Judge is clearly biased and his rulings make no sense and have no merit. I will appeal every one of them to the U.S. Supreme Court. Donald Trump wins, the corruption will lose.

First of all the Judge should be citing the law, rules, the evidence that was submitted in support of such motion, and case law that the Judge would be relying upon for his decision. So many constitutional errors, structural/legal defects.

The Deep State Swamp will fall, and the puppets will be arrested for their crimes, assuming that the Judge is another puppet/tool of the Deep State.

They are panicking, RATS PANIC IN DC. The Former Acting CIA Director John McLaughlin said over the issue of Impeachment: "Thank God For The Deep State." The corruption will fall, humanity and God will defeat the corruption. They are revealing exactly who they are. The Hon. Giles Carter Greer is showing exactly who he is. **It is not about what you know, it is about who you know. They must all know each other, like best buds.** The very corruption that Thomas Jefferson and George Washington and Benjamin Franklin had warned about. The answer to 1984 is 1776!!!!!!!!!!!!!! Arrest the corruption to protect he Constitution.

Arrest all of the Deep State Swamp, arrest and indict them all. That is my response to the Judge's decision. Corruption will not prosper but will be impeached and/or indicted. Donald Trump made that clear, **we don't want corruption in our Courts anymore. We don't want corruption inside any of our offices of Government anymore.** The Judge has clearly broken rules and is getting away with corruption. This Judge violated and continues to violate federal law. He may be guilty of violating other federal laws. The Deep State will be arrested as QAnon brags, the sealed indictments will begin. I am not QAnon, but am an ally of Qanon because I am all for what they stand for, they stand for justice, integrity, honesty, bravery, fidelity. We are about following the laws and the rule of law. Enforce the laws against the corruption that doesn't have to obey our laws.

Respectfully filed with the Circuit Court of Martinsville, this the 10th day of May, 2020.

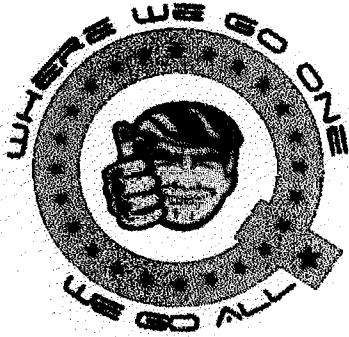
Signed,

Brian D. Hill  
*Signed*

**U.S.W.G.O.**

Brian David Hill – Ally of  
Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia  
24112  
(276) 790-3505

*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of May, 2020, I caused this “NOTICE OF APPEAL” to be transmitted by facsimile (fax machine) to the Clerk’s Office of the Martinsville Circuit Court and by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia 24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

Brian D. Hill  
*Signed*

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

**U.S.W.G.O.**

Brian David Hill – Ally of  
Qanon

Founder of USWGO

Alternative News

310 Forest Street, Apt. 2

Martinsville, Virginia

24112

(276) 790-3505

*Pro Se Appellant*



Venta Fax & Voice (http://www.ventafax.com)  
Transmission ticket for Fax ID: 276-790-3505

Date: 5/10/2020 Time: 11:05:14 PM  
Number of pages: 4 Session duration: 5:33  
Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney  
Recipient's number: T1-276-403-5478 Message type: Fax  
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Notice of Appeal to Giles Error Correction: Yes/ 10th(1)Signed (2020-05-10).tif  
File description: Notice of Appeal to Giles Carter Greer on May 10th(1)Signed.pdf Resolution: 200\*200 dpi  
Recipient's Fax ID: 12764035478 Record number: 8221  
Rate: 14400 bps

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 05/11/2020 @09:37:56 *by fax*

TESTE: *ER Hancock*  
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____ )	)	
<b>COMMONWEALTH OF VIRGINIA,</b> )	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b> )	)	<b>Civil Action No. CL20000089-00</b>
)	)	<b>Civil Action No. CL19000331-00</b>
v. )	)	
)	)	
<b>BRIAN DAVID HILL,</b> )	)	
<b>Defendant,</b> )	)	
)	)	<b>NOTICE OF APPEAL</b>
_____ )	)	

**NOTICE OF APPEAL**

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIED MOT WAIVE FEES) denying Brian D. Hill's "Motion for Waiving Legal Fees or Not Enforcing Them" entered in this action on the 10th day of April, 2020. As it was faxed to the Clerk's office on exactly the 30<sup>th</sup> day after the order, it should suffice as being timely filed. Brian hopes.

\*Appellee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidently said Appellant in other Notice of Appeal. Clerical mistake.

**First Amendment protected Opinion: [CORRUPTION][SLAVERY]**  
**DRAIN THE SWAMP...** Martinsville is advocating slavery against the disabled.

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (http://www.ventafax.com)
Transmission ticket for Fax ID: 276-790-3505

Date: 5/10/2020
Number of pages: 5
Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk
Recipient's number: T1-276-403-5232
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Notice of Appeal to Giles
File description: Notice of Appeal to Giles Carter Greer on May 10th(1)Signed\_w\_T
Recipient's Fax ID:
Rate: 14400 bps

Time: 11:11:55 PM
Session duration: 6:30
To: Martinsville Circuit Court
Message type: Fax
Resolution: 200\*200 dpi
Record number: 8222

FILED IN THE CLERK'S OFFICE
OF THE CIRCUIT COURT OF THE
MARTINSVILLE CIRCUIT COURT

DATE: 05/11/2020 @09:38:10 by fax
TESTE: ER Stanish
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff,
v.
BRIAN DAVID HILL,
Defendant,
Criminal Action No. CR1900009-00
Civil Action No. CL2000089-00
Civil Action No. CL19000331-00
NOTICE OF APPEAL

NOTICE OF APPEAL

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIED MOT WAIVE FEES) denying Brian D. Hill's "Motion for Waiving Legal Fees or Not Enforcing Them" entered in this action on the 10th day of April, 2020. As it was faxed to the Clerk's office on exactly the 30th day after the order, it should suffice as being timely filed. Brian hopes.

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First Amendment protected Opinion: [CORRUPTION][SLAVERY]
DRAIN THE SWAMP... Martinsville is advocating slavery against the disabled.



**VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 5th day of February, 2021.*

Brian David Hill, Appellant,

against Record No. 200267  
Circuit Court No. CL19000331-00

Commonwealth of Virginia, Appellee.

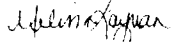
Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgment rendered herein on December 21, 2020 and grant a rehearing thereof, the prayer of the said petition is denied.

A Copy,

Teste:

Douglas B. Robelen, Clerk

By: 

Deputy Clerk